

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.

2002 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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2629		Specific Project Stds for Tidelands & Coastal Waters	1-31-03	Department of Health and Envir Control
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REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY

WITHDRAWN:

DOC No.	DATE	SUBJECT	AGENCY
2360	8 16 02	LIFE Scholarship	Commission on Higher Education

2 EXECUTIVE ORDERS

2002-34

WHEREAS, because of the negative impact of the national economy upon our state's economy, the State of South Carolina is facing a \$348 million revenue shortfall in the current fiscal year; and

WHEREAS, to rationally address this serious budget situation, it is imperative to take immediate action to reduce state government expenditures and maximize existing resources in a manner that responsibly prioritizes and protects critical programs such as education and health care; and

WHEREAS, without legislative action to address the current budget shortfall, the State will have to resort to indiscriminate across-the-board budget cuts, applied blindly to all state agencies without regard to the needs, resources, size, scope, or mission of individual agencies; and

WHEREAS, across-the-board cuts would reverse the recent progress made in public education and other key areas and seriously jeopardize the ability of some agencies to provide basic services to our state's citizens; and

WHEREAS, Article IV, Section 19 of the South Carolina Constitution states in pertinent part that: "The Governor may on extraordinary occasions convene the General Assembly in extra session[;]" and

WHEREAS, being mindful of the duties and responsibilities placed upon me by the Constitution and laws of this State, I have determined that there exists an extraordinary occasion requiring me to convene the General Assembly in extra session prior to the next regular session of the General Assembly.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, and by the power vested in me by Article IV, Section 19 of the Constitution of the State of South Carolina, I hereby call an extra session of the General Assembly of South Carolina to convene at the State House in Columbia on Monday, December 9, 2002, at noon.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 26th DAY
OF NOVEMBER, 2002.**

**JIM HODGES
Governor**

2002-35

WHEREAS, the undersigned has been informed that Chesterfield County Coroner Robert B. Robeson is resigning from office, effective at midnight, November 30, 2002; and

WHEREAS, the undersigned is authorized to appoint a County Coroner in the event of a vacancy pursuant to the Code of Laws of South Carolina (1976), as amended, Section 4-11-20; and

WHEREAS, Donald J. Baker, of 418 Third Street, Cheraw, South Carolina is a fit and proper person to serve as the Coroner of Chesterfield County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, effective midnight, November 30, 2002, I hereby appoint Donald J. Baker as Coroner of Chesterfield County until the next general election and until his successor shall qualify.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY
OF NOVEMBER, 2002.**

JIM HODGES
Governor

2002-36

WHEREAS, pursuant to resolutions of the Board of Education of the Jasper County School District dated September 18, 2002, and the Jasper County Election and Registration Commission dated October 3, 2002, a referendum for a sales tax and bond issue was scheduled to be held on December 7, 2002; and

WHEREAS, because of notice publication and absentee ballot preparation failures, the Jasper County Election and Registration Commission, the competent election authority, has declared that it is unable to conduct the referendum on December 7, 2002 as scheduled; and

WHEREAS, the Jasper County School District and the Jasper County Election and Registration Commission have requested a new referendum election date pursuant to Section 7-13-1170 of the South Carolina Code of Laws; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to ensure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election, and to declare the result.”

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

- a. Order that the sales tax and bond issue referendum election for the Jasper County School District originally scheduled to be held on December 7, 2002, be held instead on February 15, 2003, subject to preclearance by the United States Department of Justice; and
- b. Designate the Jasper County Election and Registration Commission perform the necessary official duties pertaining to the election, and to declare the result; and
- c. Direct the Jasper County Election and Registration Commission to take all necessary steps to ensure that the list of registered voters is as accurate as possible, that the electronic voting system is programmed appropriately, proper public notice procedures are followed, and that all necessary measures are taken to provide for absentee voting in connection with the referendum.

4 EXECUTIVE ORDERS

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY
OF NOVEMBER, 2002.**

**JIM HODGES
GOVERNOR**

2002-37

WHEREAS, a state of emergency in the Counties of Clarendon, Berkeley, Calhoun, Charleston, Florence, Horry, Marion, Orangeburg, Sumter, and Williamsburg was declared on October 25, 2002 (Executive Order 2002-32), due to Tropical Storm Kyle which struck the eastern portion of South Carolina on October 11, 2002, resulting in tornadoes and significant flooding in many of these counties; and

WHEREAS, under Executive Order 2002-32, I directed that state agencies, boards and commissions respond within their capabilities to assist in the recovery from the disaster in these designated counties; and

WHEREAS, the Constitution and Laws of South Carolina provide that a declared state of emergency shall not continue for a period of more than 15 days without the consent of the General Assembly; and

WHEREAS, the state of emergency for Clarendon, Berkeley, Calhoun, Charleston, Florence, Horry, Marion, Orangeburg, Sumter, and Williamsburg, ended at midnight, November 9, 2002.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that Executive Order 2002-32 is cancelled, rescinded, and from this date declared null and void.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 3rd DAY
OF DECEMBER, 2002.**

**JIM HODGES
Governor**

2002-38

WHEREAS, on Wednesday, December 4, and Thursday, December 5, 2002, the National Weather Service issued a Winter Storm Warning for all counties north and west of and including Edgefield, Saluda, Lexington, Richland, Kershaw, and Chesterfield where South Carolina had the potential to receive a mix of snow, sleet and rain, as well as an accumulation of ice on bridges, overpasses, tree-limbs, and power lines, throughout the State; and

WHEREAS, the effects of the storm require assistance for stranded motorists, medical emergencies, and logistical support to local government; and

WHEREAS, this severe weather has downed trees, blocked roads, created power outages, and isolated many citizens, and surpassed the capability of local governments to adequately respond to and recover from its effects; and

WHEREAS, because of the hazardous weather conditions, State offices in the counties of Oconee, Cherokee, Pickens, Laurens, Greenville, Newberry, Anderson, Richland, Spartanburg, Lexington, Union, Kershaw, Abbeville, Edgefield, Chester, York, Lancaster, Chesterfield, Greenwood, McCormick, Saluda, and Fairfield, were ordered closed from 1:00 p.m., Wednesday, December 4, 2002, until 10:30 a.m., Thursday, December 5, 2002.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that a state of emergency exists as of December 4, 2002, and direct the South Carolina Emergency Operations Plan be placed in effect and require State agencies to support the responsibilities and tasks therein. I further authorize that emergency expenditures required to ensure the safety of the citizens of South Carolina as authorized by the Director, Emergency Management Division, shall be covered under the State Contingency Fund.

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

Furthermore, pursuant to S.C. Code § 8-11-57, as amended by Act 356 of 2002, Part IX, Section D, all State employees absent from work due to the hazardous weather emergency between 1:00 p.m., Wednesday, December 4, 2002, until 10:30 a.m., Thursday, December 5, 2002, are hereby granted leave with pay.

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

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 5th DAY
OF DECEMBER 2002.**

**JIM HODGES
Governor**

2002-39

WHEREAS, because of the effects of a winter storm in many counties, a state of emergency was declared, effective Wednesday, December 4, pursuant to Executive Order No. 2002-38; and

WHEREAS, this severe weather has downed trees, blocked roads, and created power outages in this State and neighboring states, requiring various motor carriers to operate extraordinary hours to assist and respond to those citizens and businesses affected by the storm; and

6 EXECUTIVE ORDERS

WHEREAS, Federal Motor Carrier Safety regulations, 49 CFR 395.3(b), limit the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor to suspend these rules and regulations limiting the hours operators of commercial vehicles may drive for 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency due to the inclement weather and the need to continue the uninterrupted supply of food and fuel and to otherwise assist those persons and businesses suffering from power outages. This emergency justifies an exemption from Part 395.3(b) of Title 49 of the Code of Federal Regulations as authorized by federal law. This emergency shall remain in effect until the emergency condition ceases to exist. Nothing herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing in 49 CFR 382, the Commercial Driver's License requirements in 49 CFR 383, the financial responsibility requirements in 49 CFR 387, or applicable federal size and weight limitations.

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

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 6th DAY
OF DECEMBER 2002.**

**JIM HODGES
Governor**

2002-40

WHEREAS, a state of emergency was declared for twenty-two counties as of December 4, 2002 (Executive Order No. 2002-38) and the South Carolina Emergency Operations Plan was placed in effect due to the severe winter storm; and

WHEREAS, because of the state of emergency declared as of December 4, 2002, Executive Order 2002-39 was issued on December 6, 2002, to suspend the regulations limiting the hours operators of commercial vehicles may drive to respond to food, fuel, and power supply issues resulting from the storm; and

WHEREAS, the winter storm has now passed and power service has been restored to most homes and businesses in the affected areas so that there is no longer an immediate danger to public safety and welfare or to the property of the citizens of this State; and,

WHEREAS, although pursuant to Executive Order No. 2002-38, State employees absent from work between 1:30 p.m., Wednesday, December 4, 2002, until 10:30 a.m., Thursday, December 5, 2002, because of the hazardous weather emergency in the affected counties were granted leave with pay because of the closure of those offices, various state offices in those counties were without power and unable to function beyond that time period.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that Executive Order 2002-38, to the extent that it declared a state of emergency, is cancelled, rescinded, and from this date declared null and void.

I further direct, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, that Executive Order 2002-39 is cancelled, rescinded, and from this date declared null and void.

Furthermore, pursuant to S.C. Code § 8-11-57, as amended by Act 356 of 2002, Part IX, Section D, and all State employees in the affected counties absent from work due to power outages in their State offices which prevented them from performing their jobs from 1:30 p.m., Wednesday, December 4, 2002, until 5:00 p.m., Tuesday, December 10, 2002, are hereby granted leave with pay for the specific time period for which their offices were without power.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 10th DAY
OF DECEMBER, 2002.**

**JIM HODGES
Governor**

8 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 27, 2002, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Abbeville, Allendale, Bamberg, Barnwell, Calhoun, Chester, Clarendon, Darlington, Dillon, Edgefield, Florence, Greenwood, Hampton, Horry, Jasper, Laurens, Lee, Marion, Marlboro, McCormick, Orangeburg, Saluda, Sumter, Union and Williamsburg Counties.

Expand home health services to serve obstetrical patients only in the above counties.

Matria Healthcare, Inc.
Greenville, South Carolina
Project Cost: \$-0-

Affecting Anderson County

Construction of a Medical Office Building (MOB) to include an outpatient cancer treatment center on the AnMed Health Campus; relocation of the existing two (2) linear accelerators (replacement of one (1) from Anderson Area Medical Center to the new site).

Anderson Area Medical Center
Anderson, South Carolina
Project Cost: \$27,436,901

Affecting Clarendon County

Centralization and relocation of the labor, delivery and nursery services.

Clarendon Memorial Hospital
Manning, South Carolina
Project Cost: \$2,500,000

Affecting Darlington County

Construction to add ten (10) rehabilitation beds, resulting in a total of 10 rehabilitation beds and 116 acute care beds at the Hospital.

Carolina Pines Regional Medical Center
Hartsville, South Carolina
Project Cost: \$13,634,796

Affecting Dorchester County

Construction of a freestanding ambulatory surgery center with two (2) operating rooms.

Lowcountry Ambulatory Care Center, LLC
Summerville, South Carolina
Project Cost: \$4,785,414

Affecting Florence County

Expansion of existing facility for the addition of 18 rehabilitation beds for a total of 106 rehabilitation beds.
HealthSouth Rehabilitation Hospital of Florence
Florence, South Carolina
Project Cost: \$2,741,791

Affecting Greenville County

Establishment of an 18 bed long-term care hospital within Greenville Memorial Medical Center by converting the 18 nursing home beds to acute care beds and transferring these beds to the new LTCH.
New Long Term Care Hospital (LTCH)
Greenville, South Carolina
Project Cost: \$500,000

Affecting Greenwood County

Construction of a four (4) story professional office building and the relocation and consolidation of cancer services within the new building.
Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$16,962,000

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning December 27, 2002. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Allendale, Bamberg, Barnwell, Calhoun, Chester, Clarendon, Darlington, Dillon, Edgefield, Florence, Greenwood, Hampton, Horry, Jasper, Laurens, Lee, Marion, Marlboro, McCormick, Orangeburg, Saluda, Sumter, Union and Williamsburg Counties.

Expand home health services to serve obstetrical patients only in the above counties.
Matria Healthcare, Inc.
Greenville, South Carolina
Project Cost: \$-0-

Affecting Aiken County

Purchase of the assets of The Imaging Center of Aiken which includes a CT, MRI and other imaging modalities.
Aiken Regional Medical Centers, Inc.
Aiken, South Carolina
Project Cost: \$3,270,000

10 NOTICES

Affecting Anderson County

Construction of a Medical Office Building (MOB) to include an outpatient cancer treatment center on the AnMed Health Campus; relocation of the existing two (2) linear accelerators (replacement of one (1) from Anderson Area Medical Center to the new site).

Anderson Area Medical Center

Anderson, South Carolina

Project Cost: \$27,436,901

Affecting Charleston County

Renovation and expansion for the addition of an Angiography/Special Procedures unit.

Trident Medical Center

Charleston, South Carolina

Project Cost: \$1,496,216

Affecting Florence County

Renovation for the addition of a second angiography unit.

McLeod Regional Medical Center of the Pee Dee, Inc.

Florence, South Carolina

Project Cost: \$1,545,000

Affecting Greenville County

Construction for the addition of 51 beds at St. Francis Hospital and transfer of 31 beds to St. Francis Women's and Family Hospital resulting in 226 acute care beds and 19 rehabilitation beds at St. Francis Hospital and 93 acute care beds at St. Francis Women's and Family Hospital; replacement of existing mobile MRI services with a fixed MRI unit and the replacement of an existing CT scanner at St. Francis Women's and Family Hospital.

Bon Secours St. Francis Health System, Inc.

Greenville, South Carolina

Project Cost: \$37,069,827

Affecting Greenville County

Construction of a 72 bed general acute care hospital with 24 non licensed observation beds (transfer of 50 acute care beds from the bed need generated by the Greenville Hospital System, the conversion of 19 psychiatric beds and 3 nursing home beds at Greenville Memorial to acute care beds) resulting in 710 acute care beds, 44 psychiatric beds, 18 nursing home beds, 53 rehabilitation beds and 22 residential treatment facility beds for children and adolescents at Greenville Memorial Medical Hospital.

Greenville Hospital System at Patewood

Greenville, South Carolina

Project cost: \$62,850,000

Conversion of fifteen (15) long-term psychiatric beds to fifteen (15) psychiatric acute care beds, for a total of 68 child and adolescent residential treatment beds, 5 long-term psychiatric beds and 15 psychiatric acute care beds.

Springbrook Behavioral Health System

Travelers Rest, South Carolina

Project Cost: \$-0-

Affecting Oconee County

Renovation of the existing facility for replacement of the existing 0.2 Tesla MRI with a 0.23 Tesla MRI.
 Mountainview Medical Imaging
 Seneca, South Carolina
 Project Cost: \$751,067

Affecting Spartanburg County

Construction of a six-story building that will house the emergency department (replacement) of the hospital on the first floor, and shelled space on the additional floors for future expansion.
 Spartanburg Regional Medical Center
 Spartanburg, South Carolina
 Project Cost: \$46,981,743

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE
 December 27, 2002

The Solid Waste Policy and Management Act of 1991 (Act), S.C. Code Ann. Section 44-96-60(A)(5) requires the South Carolina Department of Health and Environmental Control (Department) to include in the State Solid Waste Management Plan (Plan) an analysis of the types of solid waste facilities which will be needed to manage the State's solid waste during the projected twenty-year period. Emerging advanced technologies such as vitrification and plasma arc are not included in the Plan as amended in 1999. The Department's Division of Mining and Solid Waste Management proposes to amend the Plan to include provisions for the application of advanced technology, including vitrification and plasma arc facilities.

A staff conducted informational forum will be held on Monday, January 27, 2003 at 10:00 a.m. at the S.C. Department of Health and Environmental Control located in the Stern Business Center, 8901 Farrow Road, Columbia, S.C. (For directions, call 803-896-4000.) Comments concerning the proposed amendment to the Plan should be sent to Art Braswell, Director of the Division of Mining and Solid Waste Management, 2600 Bull Street, Columbia, SC 29201 or FAXED to Mr. Braswell at 803-896-4001, by 5:00 p.m. on January 27, 2003.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than January 27, 2003 to:

12 NOTICES

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

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

Class I

Atlas Environmental Services, Inc
Aware Environmental, Inc.
Micah Group
Sierra Piedmont, Inc.

Class II

BOARD OF ARCHITECTURAL EXAMINERS STATEMENT OF GUIDANCE

NOTICE

In accordance with Section 1-23-40 of the 1976 Code of Laws of South Carolina, as amended, notice is hereby given that the State Board of Architectural Examiners has adopted the following statement as guidance for architects and firms in the practice of architecture under the South Carolina Architectural Practice Act. For disciplinary purposes in matters before the Board regarding unregistered practice, compliance with this statement will not be considered a violation of the professional licensing law under Sections 40-1-30, 40-3-30, or 40-1-110.

Solicitation, Presentation, or Proposal by Qualified Architect Without A south carolina License

It is the position of the South Carolina Board of Architectural Examiners that individuals wishing to make solicitations, presentations, or proposals to provide architectural services in this state may do so without previously obtaining a license in this state, provided the individual who will engage in the practice of architecture in this state

1. holds a current, active and unrestricted license for the practice of architecture from another state or territory, and
2. holds a current certificate of qualification issued by the National Council of Architectural Registration Boards (NCARB), and
3. applies for a South Carolina license immediately upon being awarded a commission to provide architectural services in this state, and
4. obtains a South Carolina license prior to providing architectural services in this state pursuant to the commission.

Section 40-3-270 of the 1976 Code of Laws of South Carolina, as amended, places certain requirements on firms desiring to practice or offer to practice architecture in this state. Accordingly, it should be remembered that, upon being awarded a commission to provide architectural services in this state, any firm involved in the commission should immediately apply for a Certificate of Authorization. Prior to providing architectural services in this state pursuant to the commission, any firm involved in the commission must obtain a Certificate of Authorization.

The Board of Architectural Examiners will not bring administrative action against an architect or firm that conducts itself in accordance with this policy for unlicensed or unregistered practice. However, this same architect

or firm may still face disciplinary action by the Board on other matters or may incur civil liability under some circumstances. Therefore, it is advisable to consult private counsel where doubt exists as to what actions are appropriate.

14 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 48-1-30; S.C. Code Ann. Sections 30-4-40(c) and 30-4-45 as promulgated by 2002 Act No. 339

R. 61-xx Access to Sensitive Information

Notice of Drafting:

The Department of Health and Environmental Control proposes to promulgate R.61-xx, Access to Sensitive Information, to implement S.C. Code Ann. Sections 30-4-40(c) and 30-4-45 as promulgated by 2002 Act No. 339. Interested persons are invited to present their views in writing to Samuel L. Finklea, Office of General Counsel, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by 5:00 p.m. on January 31, 2003.

Synopsis:

The General Assembly amended Code Section 30-4-40 and added Section 30-4-45 to the Freedom of Information Act to restrict uncontrolled dissemination of information which could increase the risk of acts of terrorism.

The Department intends to promulgate a new regulation (R.61-xx) to implement these statutory provisions. Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: Section 44-7-265

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft new regulations establishing regulations for licensing of freestanding or mobile technology. Interested persons may submit written comments to Dennis L. Gibbs, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., September 23, 2002, the close of the drafting period.

Synopsis:

The S.C. Code of Laws (Section 44-7-265) establishes requirements for the promulgation of regulations for freestanding or mobile technology that will include at a minimum: 1) standards for the maintenance and operation of freestanding or mobile technology to ensure the safe and effective treatment of persons served; 2) a description of the professional qualifications necessary for personnel to operate the equipment and interpret the test results; 3) minimum staffing requirements to ensure the safe operation of the equipment and interpret the test results; and 4) that all freestanding or mobile technology must be in conformance with professional organizational standards. The proposed regulation will be written to include the above and additionally, but not be limited to: definitions; licensing requirements; reporting requirements; patient record content; enforcement action procedures; policies/procedures; quality improvement standards; infection control; maintenance; tuberculin screening requirements; medication management; design and construction; and a severability clause.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-30 and 48-1-50

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-101, *Water Quality Certification*. Interested persons may submit comments to Sally Knowles, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201-1708. All comments must be received by 5:00 p.m. on January 27, 2003, the close of the drafting comment period.

Synopsis:

The U.S. Supreme Court decision, *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers*, issued January 9, 2001, removed isolated waters and wetlands from the permitting jurisdiction of the Corps of Engineers. Since the Corps of Engineers no longer issues permits for the discharge of fill material into isolated wetlands, there is no requirement for the Department to issue water quality certification and coastal zone consistency. Presently, there is State review for fill into isolated wetlands only if another State permit is required.

The proposed amendment will provide a permitting program to reinstate the Department's previous authority to regulate all discharges into isolated waters. It will also streamline the process for obtaining a permit for discharges into isolated waters and wetlands.

This amendment will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 47

Statutory Authority: 1976 Code Sections 40-47-20 and 40-47-80.

Notice of Drafting:

The Board of Medical Examiners is considering proposing amendments to Regulations 81-70 and 81-90 to change "associate" to "assistant" professor to offer the medical schools in the State a larger pool of academic faculty members. Associate professors are more difficult to attract from current positions because of their tenure of ten to fifteen years experience required to be an associate professor. Assistant professors are required to have two to four years experience. The change from "associate" to "assistant" professor also will permit academic faculty at the rank of assistant professor or greater at medical schools in South Carolina to receive credit for postgraduate training for the academic appointment for licensure purposes. Written comments can be submitted to John Volmer, Board Administrator, at 110 Centerview Drive, Third Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments is to change "associate" to "assistant" professor so as to permit licensure for employment of certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina.

16 PROPOSED REGULATIONS

Document No. 2814
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27

Statutory Authority: Chapter 9, Title 46, 1976 Code

Preamble:

The Commission has previously determined that witchweed (*Striga* spp.) is a plant pest and has instituted appropriate quarantine measures. The purpose of these amendments is to modify the limits of the quarantine as specified in SCR 27-50. Notice of Drafting was published in the State Register on September 27, 2002. No comments were received.

Section-by Section Discussion

27-50 These amendments remove the quarantine from certain farms in the regulated area and impose the quarantine on certain other farms in the regulated area

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted at the Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC on Thursday, January 30, 2003 at 2:00 PM. If no qualified request for public hearing is received prior to 4:00 PM on January 27, 2002, said hearing will be cancelled without further notice.

Interested persons may submit written comments on the proposed amendment by writing to Dr. H. B. Jackson, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 27-50, Regulated Areas

Purpose: Regulation 27-50 is being amended to delineate the new quarantine boundaries.

Legal Authority: S. C. Code Sections 46-9-40; 46-9-50; 46-9-60.

Plan for Implementation: The proposed amendment will take place upon approval by the General Assembly and Publication in the State Register. The Department will notify the regulated community of the amendments.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The regulation was amended to prevent and control the spread of witchweed, which parasitizes plants in the grass family. These measures are considered reasonable and prudent to assist the state and national agricultural industry.

DETERMINATION OF COSTS AND BENEFITS: There is no need to quarantine un-infested areas or areas declared free of witchweed.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: None. No treatments or quarantines will be necessary on un-infested lands.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

Text:

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

Document No. 2815

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTERS 30 and 61

Statutory Authority: S.C. Code Section 48-39-50, 48-39-145 (as amended by 2002 Act 248)
and 48-39-150

- R.30-4. *Decisions on a Permit.*
R.61-30. *Environmental Protection Fees.*

Preamble:

The proposed regulatory changes will clarify language related to critical area permit application and amendment fees, and the time schedules for critical area permits. No new fees or increases to fees are included in these proposed amendments.

A Notice of Drafting for the proposed revisions was published in the State Register on September 27, 2002.

Discussion of Proposed Revisions:

Pursuant to Act 248, effective May 15, 2002, S.C. Code Section 48-39-145 was amended to raise the critical area permit application fees for minor activities which are non-commercial/non-industrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise. Additionally, this statutory amendment specified an application fee for minor permit amendments. These proposed regulatory amendments will revise R.61-30.G.13 regarding the application fee for minor, private activities to bring the Coastal Zone Management Program fee schedule current for consistency with state law.

Prior to passage of Act 248, fees for significant amendments to both major and minor permits were equal to the original application fee. R.61.30.G(13)(v) and (vi) will be added to specify amendment fees consistent with the minor amendment fee now specified in statute, and the major amendment fee currently described in R.30-4.H as equal to the application fee. R.30-4.H will be amended to conform to the amendment fees in R.61-30.

Additionally, the proposed amendment will revise R.61-30.H.3 to add timeframes for amendment processing. R.61-30.B(22), "Time Schedules" will also be updated to add a reference to Section 48-30-150.

18 PROPOSED REGULATIONS

<u>SECTION</u>	<u>CHANGE</u>
30-4.H	Delete language requiring an amendment fee equal to the original permit application fee.
61-30.B(22)	Add a reference to the <i>Coastal Tidelands and Wetlands Act</i> , specifically 48-39-150, in the definition of "Time Schedules".
61-30.G(13)(b)(i)	Change the fee for a minor activity to \$250.00 and add exception language for the fee to be \$150.00 for docks with lengths of 100 feet or less.
61-30.G(13)(b)(v)	Add new section for fee of \$100.00 for amendments for minor permits that have to be placed on public notice.
61-30.G(13)(b)(vi)	Add new section for fee of \$1000.00 for amendments for major permits that have to be placed on public notice.
61-30.H(3)(a)(v)	Add new section for 30-day public notice period for amendments of minor permits.
61-30.H(3)(a)(vi)	Add new section for 90-day public notice period for amendments of major permits.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 13, 2003. The public hearing will be held in the Board Room of the Commissioner's suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Debra L. Hernandez, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than January 27, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on February 13, 2003, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed amendment for public notice and comment as published in the State Register on December 27, 2002, may be obtained by contacting Debra Hernandez at S.C. DHEC-OCRM, S.C. Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847; e-mail hernandl@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

- R.30-4.H, *Amendment to a Permit.*
- R.61-30.B, *Definitions.*
- R.61-30.G, *Schedule of Fees.*
- R.61-30.H, *Time Schedules.*

Purpose of Regulation: Pursuant to Act 248, effective May 15, 2002, S.C. Code Section 48-39-145 was amended to raise the critical area permit application fees for minor activities which are non-commercial/non-industrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise. Additionally, this statutory amendment specified an application fee for minor permit amendments. The proposed amendment will revise R.61-30.G(13) regarding the application fee for minor, private activities to bring the Coastal Zone Management Program fee schedule current for consistency with state law.

Prior to passage of Act 248, fees for significant amendments to both major and minor permits were equal to the original application fee. R.61.30.G(13)(v) and (vi) will be added to specify amendment fees consistent with the minor amendment fee now specified in statute, and the major amendment fee currently described in R.30-4.H as equal to the application fee. R.30-4.H will be amended to conform to the amendment fees in R.61-30.

Additionally, the proposed amendment will revise R.61-30.H(3) to add timeframes for amendment processing. R.61-30.B(22), "Time Schedules" will also be updated to add a reference to Section 48-30-150.

Legal Authority: S.C. Code Section 48-39-50, 48-39-145 (as amended by 2002 Act 248) and 48-39-150.

Plan for Implementation: The proposed amendments will be incorporated into R.61-30.B, G(13)(b) and H(3) upon approval of the Board of Health and Environmental Control and General Assembly, and publication in the State Register. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These amendments are necessary to reflect recent changes in law.

DETERMINATION OF COSTS AND BENEFITS: Promulgation and administration of this amendment is estimated to have minimal economic impacts to entities regulated. South Carolina Code Section 48-39-145 already requires the fee amounts proposed by these regulations. See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will improve the Department's ability to manage public usage of coastal resources by providing critical revenue to support administration of the program, and will enable the Department to provide a more effective response to those seeking to utilize the public trust areas of the coastal zone.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens.

Statement of Rationale Pursuant to S.C. Code Section 1-23-120.B:

20 PROPOSED REGULATIONS

On May 15, 2002, Act 248 became effective. This Act amended the State's policy regarding the critical area permit application fees for minor activities that are non-commercial/non-industrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise. These proposed regulatory amendments are necessary to comply with the change in law.

Text:

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

Document No. 2816
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30
Statutory Authority: S.C. Code Sections 48-2-10 and 48-43-540

R.61-30, Environmental Protection Fees

Preamble:

The Department is proposing to amend R.61-30, *Environmental Protection Fees*, to establish in regulation a Terminal Facility Registration fee. A Notice of Drafting for this proposed amendment was published in the State Register on August 23, 2002.

Discussion of Proposed Revision:

SECTION/CHANGE

R.61-30.G(14) A Terminal Facility Registration Fee is added. This fee is authorized by statute and is being established in regulation. The amount of the fee is the same as that collected between 1977 and 2000. See Statement of Need and Reasonableness and Statement of Rationale herein.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held at 1:30 p.m. on January 22, 2003 in Conference Room 1710, Stern Office Park at the Department of Health and Environmental Control, 8901 Farrow Road, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues and receive formal comments from interested persons on the proposed amendments. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Section 1-23-110 and 1-23-111 below.

Copies of the proposed regulation for *public notice and comment* may be obtained by contacting, Mr. Harry Mathis, S.C. DHEC, 2600 Bull St., Columbia, SC 29201 or by calling 803-896-4296.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on February 13, 2003. The public hearing will be held in the board Room of the Commissioner's suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Department will publish the Board's agenda 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Harry Mathis, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. on January 27, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on February 13, 2003, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for submission to the Board for *public hearing* may be obtained by contacting Mr. Mathis at the above address.

Preliminary Fiscal Impact Statement: There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

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

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

Purpose: The Department is proposing to amend R.61-30 to establish in regulation a Terminal Facility Registration fee authorized by S.C. Code Section 48-43-540 of the Oil and Gas Act and S.C. Code Section 48-2-10 *et seq.*, the Environmental Protection Fund Act.

Legal Authority: S.C. Code Sections 48-43-540 and 48-2-10 *et seq.*

Plan for Implementation: The proposed regulation, as amended through public comment and Department response, and upon approval of the Board of Health and Environmental Control, General Assembly and publication in the *State Register*, will be incorporated

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

This proposed terminal facility registration fee for inclusion in R.61-30 is authorized in statute and must be established in regulation. The fee is intended to assist in funding the review and processing of registration certificates and help finance the cost of annual inspections at the facilities. The fee is very reasonable for the amount of work effort that has to be expended to maintain the certification review and issuance program.

22 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS.

Benefits will be to the environment and public health safety of South Carolina. The registration and inspection programs provide the Department an opportunity to review coastal facilities that maintain large volumes of petroleum products that if not adequately designed and maintained could result in releases that would cause major environmental damage to the waters and/or coastal life of the State. These fees are levied on specific and unique industries that potentially pose a distinct environmental threat to the state unlike most industries. Therefore the fee upon these industries is justified and reasonable based on the environmental concerns posed by their operations.

Although not expected to fully fund the registration program, the Department is establishing this fee pursuant to SC Code Section 48-43-540 in order to continue to issue registration permits to these terminal facilities.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The presence of large quantities of petroleum products, both stored near the coastline as well as involved in vessel to shoreline and vessel-to-vessel transfers, poses a significant threat to the safety of the State's waters and public. This registration program allows the department to: review facility and vessel spill contingency plans; review spill cleanup equipment available to the facility; and review any cleanup contractor agreements that the facilities may have in place to address spill removal activities.

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

Inability to collect the fee would slow the registration process and creates a backlog of certificates awaiting review. This in turn negatively affects the timely turnaround of projects, which may prevent a serious pollution problem. Inadequate oversight creates a potentially harmful situation at these facilities that is contrary to the intent of the General Assembly when the Act was passed.

Statement of Rationale Pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-30 is being amended to establish a fee authorized by statute and required to be set by regulation. The amount of the proposed fee is the same as that collected between 1977 and 2000.

Text of Proposed Amendment for Public Comment:

G. Schedule of Fees

(14) Oil and Gas Annual Fees

Terminal Facility Registration Fees	\$250.00
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Document No. 2810
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR, OFFICE OF ELEVATOR AND AMUSEMENT RIDES
 Chapter 71
 Statutory Authority: 1976 Code Sections 41-18-120

Preamble:

The Office of Elevator and Amusement Rides is proposing to reduce and standardize the fee structure for annual permits, provide evidence of general liability insurance, protect from inappropriate disclosure information obtained from official inspections, and require that special inspectors conduct all follow up safety related inspections and abatement inspections.

Section by Section Discussion:

Regulation 71-4700(1)(A).
 Amended to reflect proper name of the agency and division.

Regulation 71-4700(2).
 Amended to reduce and simplify the fee structure for annual permit. An inspection report no longer has to be notarized.

Regulation 71-4800(2).
 Delete incorrect language and establish liability insurance requirements for special inspectors of amusement rides that are consistent with requirements for special inspectors of elevators.

Regulation 71-4800(5)
 New regulation prohibiting special inspectors from unauthorized disclosure of information and establishing penalties for unauthorized disclosure.

Regulation 71-4800(6).
 New regulation concerning inspections and paperwork required from special inspectors.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Judge Division at 11:00 a.m. on Thursday, February 27, 2003. Written comments may be directed to Jerry Butler, Administrator, Elevator and Amusement Rides, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, February 13, 2003.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The regulation is being proposed to simplify and standardize fee structure for annual permits, and to make requirements for special inspectors of amusement rides and special inspectors of elevators more consistent.

Legal Authority: Statutory Authority: 1976 Code Sections 41-18-120.

24 PROPOSED REGULATIONS

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

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

The regulation is necessary in order to bring consistency to regulations concerning permit fees and special inspector requirements and standards for elevators and amusement rides.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment and public health of this State.

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

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

Statement of Rationale:

Text:

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

Document No. 2818

DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR, OFFICE OF ELEVATOR AND AMUSEMENT RIDES
CHAPTER 71

Statutory Authority: 1976 Code Sections 41-16-40 and 41-16-70

Preamble:

The Office of Elevator and Amusement Rides is proposing to amend Regulation 71-5500(1)(b) to reduce the frequency of routine inspection of certain low use specialized elevator facilities and to amend the inspection fee schedule respectively at 71-5600 to reflect these changes.

Section by Section Discussion:

Regulation 71-5300 (2)

Delete the following: all operating certificates shall be valid for a period of one (1) year from the date of issuance, except where no inspector is available. This deletion is necessary so that it will not conflict with new language in 71-5500(1)(b).

Regulation 71-5500(1)(b)

Amended to eliminate the renewal inspection for dumbwaiters, manlifts, television tower elevators, and special purpose personnel elevators. Dumbwaiters, manlifts, television tower elevators, and special purpose personnel elevators will now be inspected at the time of installation or alteration.

Regulation 71-5500(1)(c)

The frequency of inspection for handicapped lifts will be amended from once every two (2) years to once every five (5) years.

Regulation 71-5600 (2)(A)

Delete routine inspection fees for dumbwaiters, manlifts, television tower elevators, and special purpose personnel elevators to reflect new language in 71-5500(1)(b).

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Judge Division at 10:00 a.m. on Thursday, February 27, 2003. Written comments may be directed to Jerry Butler, Administrator, Elevator and Amusement Rides, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, February 13, 2003.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To amend the list of elevator inspection exceptions. Routine inspections of dumbwaiters, manlifts, television tower elevators and special purpose elevators will only be conducted at the time of installation or alteration. Routine inspection of handicap lifts will change from every two (2) to five (5) years. The inspection fee schedule will be amended to reflect these changes.

Legal Authority: Statutory Authority: 1976 Code Sections 41-16-70.

Plan for Implementation: Administratively, the Department will see that provisions are implemented by informing inspectors, applicants, licensees and owners through written and oral communications.

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

The regulation is necessary in order to reduce the frequency of routine inspection of certain specialized facilities and to amend the inspection fee schedule at 71-5600 to reflect the change.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions. There will be limited reduction in costs of operating handicapped lifts.

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UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There will be no detrimental effect on the environment and public health of this State.

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

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

Statement of Rationale:

There was no scientific or technical basis relied upon in developing the regulation.

Text:

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

Document No. 2819
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which sets seasons, bag limits and methods of hunting and taking of wildlife. The following is a section by section summary of the proposed changes and additions:

(A) Game Zone 1 – Increases deer limit from 5 to 7 consistent with other Piedmont WMA's. Changes to Keowee WMA is a clarification of the shotgun only area description.

(TT) Stumphouse WMA – new WMA in Oconee County.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on January 17, 2003, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

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

Statement of Rational:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provides guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Statement of Need and Reasonableness:

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

1. DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40 and 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs.

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

9. UNCERTAINTIES OF ESTIMATES:

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

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text of Proposed Regulation for Public Comment:

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

Document No. 2821

DEPARTMENT OF PUBLIC SAFETY

Chapter 38

Statutory Authority: 1976 Code Sections 23-6-20 and 23-6-400 et seq

Article 7 Highway Patrol, Subarticle 1 Wrecker Regulations

Preamble:

The Department proposes to amend regulation 38-600. The proposed amendment revises the process for wreckers to apply to be on the rotation list, revises the requirements that wreckers must meet to be on the list and revises the complaint process. A Notice of Drafting for the Proposed Regulations was published in the State Register on November 22, 2002. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

Section by Section Discussion

38-600. This section contains the requirements for a wrecker service to be added to the Highway Patrol's Wrecker Rotation List. This regulation has been substantially updated to provide a more detailed process for applying to be placed on the Department of Public Safety's rotation list and a more detailed description of what the responsibilities are for wreckers to be on the list. Additionally, revised language has been included which outlines the process for handling complaints.

Preliminary Fiscal Impact: The Department anticipates no fiscal impact as a result of these regulations.

Notice of Public Hearing:

The South Carolina Department of Public Safety will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on January 30, 2003 at 2:00 p.m. if requested in accordance with the provisions of Section 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department of Public Safety by 5:00 p.m. on January 27, 2002. The public hearing will be held at the Administrative Law Judge Division, 1205 Pendleton Street, Brown Building, Second Floor, Columbia, South Carolina 29201. Written comments will be accepted until 5:00 p.m., January 27, 2001. Please submit comments and hearing requests to Ms. Rachel Erwin, South Carolina Department of Public Safety, 5410 Broad River Road, Columbia, South Carolina 29210.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: To enhance the Department's administration of the Highway Patrol's Wrecker Rotation List.

Authority: Section 23-6-20 and 23-6-400 et seq. allows the Department of Public Safety to promulgate regulations on this matter.

Plan for Implementing: The proposed amended regulation will be administered in the same manner as the existing regulation.

Text:

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

Document No. 2820

DEPARTMENT OF PUBLIC SAFETY

Chapter 38

Statutory Authority: 1976 Code Section 56-10-640

Article3, Subarticle 15 "Motorist Insurance Identification Database"

Preamble:

The Department proposes to add Subarticle 15 to Article 3 of Chapter 38. These new regulations outline procedures to be followed by the Department and the Insurance Industry to implement the Motorist Insurance Identification Database Program Act of 2002. A Notice of Drafting for the Proposed Regulations was published in the State Register on November 22, 2002. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

Section by Section Discussion

38-400. Provides an introduction.

38-401. Provides definitions.

38-402. Outlines the communication options available to insurers.

38-403. Provides additional information regarding each communication option.

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- 38-404. Discusses file formatting options.
- 38-405. Discusses data security.
- 38-406. Outlines the types of transactions to be reported.
- 38-406. Discusses penalties for transmissions that exceed the error rate.
- 38-407. Outlines the types of policies to be reported.
- 38-408. Relates to the data elements to be used.

Preliminary Fiscal Impact: The Department anticipates the fiscal impact to the Department will be approximately \$875,000 to implement the program and \$800,000 annually thereafter to maintain the program. The Department anticipates the cost to industry members will vary depending on the method of communication selected by the insurer.

Notice of Public Hearing:

The South Carolina Department of Public Safety will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on January 30, 2003 at 3:00 p.m. if requested in accordance with the provisions of Section 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department of Public Safety by 5:00 p.m. on January 27, 2002. The public hearing will be held at the Administrative Law Judge Division, 1205 Pendleton Street, Brown Building, Second Floor, Columbia, South Carolina 29201. Written comments will be accepted until 5:00 p.m., January 27, 2001. Please submit comments and hearing requests to Ms. Rachel Erwin, South Carolina Department of Public Safety, 5410 Broad River Road, Columbia, South Carolina 29210.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: To implement the Motorist Insurance Identification Database Program Act of 2002.

Authority: Section 56-10-640 allows the Department of Public Safety to promulgate regulations on this matter.

Plan for Implementing: The proposed regulations will be administered pursuant to the procedures outlined in the Implementation Guide.

Text:

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

Document No.2822
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114
 Statutory Authority: 1976 Code Section 43-1-80

114–1300. General-Food Stamp Program

Preamble:

The South Carolina Department of Social Services proposes to develop and amend Food Stamp regulations for the purpose of setting forth new and clarifying current regulations. The areas in which new regulations will be developed or amended include the following: (a) the use of additional exemption criteria offered by FNS to exempt individuals identified as Able-Bodied Adults Without Dependents (ABAWDs) from specific food stamp policy; and (b) the exclusion of interest income of \$400 or less per year.

Provisions in the United States Code, Title 7, Agriculture, Chapter 51—Food Stamp Program, permit South Carolina to adopt certain options in the administration of the Food Stamp Program. The Department proposes to develop new regulations and amend current regulations that will set forth the following options: (a) exclusion of income and resources consistent with exclusions in the State’s Temporary Assistance for Needy Families or Medicaid programs; (b) acting on changes in deductions for households subject to ten-day reporting only when mandatory changes are processed or at recertification; (c) the use of a standard deduction from income for self-employed households that incur allowable costs of doing business; and (d) the option to use standard deduction amounts for child care, medical and shelter deductions upon approval by the Food and Nutrition Service through waiver authority.

In addition, Federal Regulations allow the State to request waivers to those regulations. The Department proposes the following waivers: (a) conducting all recertification interviews by telephone; and (b) allowing households subject to six-month reporting to report increases in gross income that are greater than 130 percent of poverty within the first ten days of the month after the change occurs.

Section-by-Section Discussion

Section Citation:

Explanation of Change:

- | | |
|------------|---|
| 114-1300.G | SC will take advantage of additional exemption criteria offered by Food and Nutrition Service to exempt individuals identified as Able-Bodied Adults Without Dependents (ABAWDS) from food stamp policy pertaining to these individuals. |
| 114-1320.D | SC will renew every two years the waiver to conduct all recertification interviews by telephone. |
| 114-1330.D | SC will renew annually the waiver to exempt interest income of \$400 or less per year. |
| 114-1330.E | SC will exclude resources and income consistent with exclusions in the State’s Temporary Assistance to Needy Families (TANF) or Medicaid programs. |
| 114-1330.F | For households subject to ten-day reporting, SC will take action on changes in deductions that are reported during the certification period if the change is associated with a change in residence or earned income. However, all changes will be processed and updated when any mandatory action is taken or at recertification. |

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114-1330.G SC will allow households with self-employment income that report costs of doing business a forty percent deduction from the self-employment income.

114-1330.H SC may opt to use a standard amount for child care, medical and shelter deductions if approved through FNS waiver authority.

114-1335.A An individual sanctioned for failure to comply with work requirements must serve the sanction and comply with work requirements, if required, unless they become exempt.

114-1350.E The state will renew the waiver allowing households subject to six-month reporting to report increases in gross income greater than 130 percent of poverty within the first ten days of the month after the change occurred.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted on February 10, 2003, at 10:00 a.m. at the Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, SC. Written comments may be directed to Ms. Gwen G. Kuhns, Director, Office of Family Independence, South Carolina Department of Social Services, Post Office Box 1520, Columbia, SC, 29202-1520, no later than 5:00 p.m., on Monday, January 27, 2003.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION

Purpose: To improve service delivery to Food Stamp recipients and to allow the Agency flexibility in developing a simplified Food Stamp program.

Legal Authority: Statutory Authority: 1976 S.C. Code Title 43, Chapter 1 Section 80.

Plan for Implementation: Implementation will begin upon the publishing of policy changes and procedural criteria in the Department's Food Stamp Policy Manual.

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

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

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

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

Text:

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

Filed: November 22, 2002, 9:00 am

Document No. 2811
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 17, 2003 it is necessary to re-file these emergency regulations.

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on opening-day hunts. No species other than mourning doves may be harvested during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! ***Don't forget to get a migratory bird permit from your license vendor- it's required but it's free!***

Season Dates: September 2 - October 5 (Sept 2-7 Afternoons only) -- November 23 - November 30 -- December 19 - January 15

Bag Limit: 12 doves per day

All Hunters Please Note! Beginning in the 2002-03 season, the following special regulations apply to all SCDNR Wildlife Management Area Public Dove Fields:

- (1) No entry onto fields before 12:00 noon
- (2) Hunters are limited to 50 shells per hunt
- (3) Fields will close at 6:00 p.m. during the first segment of the season (September 2 – October 5)

ABBEVILLE
 U.S. Forest Service, Parson Mountain
 WMA
 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 2 (see Youth Hunt List for details).
 1st season – Saturdays Only, Afternoons only
 2nd and 3rd season – Open Mon – Sat (864) 223-2731

ANDERSON
 Evans Property
 US 178 at Lebanon, 25 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only.
Opening day participants will be selected by drawing August 15 at Clemson DNR Office.
 Call (864) 654-1671 for details

ANDERSON
 Clemson University - Fant's Grove WMA
 From US 76/ SC 28 south of Clemson
 Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres
 Sept. 2 & Saturdays Only, Afternoons Only.

(864) 654-1671
****BERKELEY**
 U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres
 Sept 7, 21; Oct. 5; Nov. 23- Afternoons Only.
 Dove & Pigeon Hunting Only. (843) 825-3387

****BERKELEY**
 U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres
 Sept 7, 21; Oct. 5; Nov. 30; Afternoons Only.
 Dove & Pigeon Hunting Only.
 (843) 825-3387

***CHESTER**
 Chester County Airport Commission
 4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres

Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only. (864) 427-4771

***CHESTER**
 U.S. Forest Service - Worthy Bottoms
 10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy=s Ferry Rd. 30 acres
 1st season - Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons - Open Mon -Sat Afternoons Only All 3 seasons
 (864) 427-9858, (864) 427-4771

***CHESTERFIELD**
 Taylor Property
 1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only
 (864) 427-4771

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*CHESTERFIELD

DNR - McBee Tract
4 miles west of McBee on US 1, Left
(South) on Sec Rd 296 for about 2 miles,
Field on Left, 20 acres Planted.
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons - Open Mon - Sat
Afternoons Only All 3 seasons . (864)
427-4771

*CHESTERFIELD

SC Forestry Commission - Sand Hills State
Forest
Wilkes Chapel Field
From Sand Hills Forest Headquarters on
US 1, Go south on truck trail 141 for 1.3
miles, Right on Sec Rd 29 for .2 miles,
Field on Right, 54 acres
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons - Open Mon - Sat
Afternoons Only All 3 seasons
(843) 498-6478, (864) 427-4771

*CHESTERFIELD

SC Forestry Commission - Sand Hills State
Forest
Patrick Field
South on SC 102 from Patrick approx. 1
mile to gate on right. 30 acres.
1st season – Wednesdays.
2nd & 3rd seasons open Mon – Sat.
Afternoons Only All 3 Seasons.
(843) 498-6478 or (864) 427-4771

**CLARENDON

Santee Cooper – Santee Dam WMA
From the south end of SC 260 follow
gravel road at
Base of dam for approx. 5 mi., 137 acres.
Sept. 14; Oct. 5; Nov 30; Jan. 4. (843)
825-3387
Dove Hunting Only

**CLARENDON

SC Forestry Commission Oak Lea WMA.
From Summerton take SC 26 west for 2
mi. Go north on SC 41 for approx 5 mi.
Field on right.
Sept. 7, 14; Oct. 5; Nov. 23
(843) 825-3387.
Dove Hunting Only

**COLLETON

DNR - Bear Island WMA
About 17 miles southeast of Green Pond
on Sec Rd 26, 100 acres
1st season - noon to 6 PM,
2nd season - noon to Sunset
Sept 4, 11 & 25; Nov 30. (843) 844-8957

**COLLETON

DNR - Donnelley WMA
From US 17 E of Green Pond, Go
southeast on Sec Rd 26 4 miles, Turn
Right at Donnelley WMA Sign, Field 2
miles on Right, 100 acres
Sept 4, 18, & 25; Nov 30; Dec 19; Jan. 8 &
15
Afternoons only. (843) 844-8957

EDGEFIELD/ MCCORMICK

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

*FAIRFIELD

Ridgeway Mining Co.
4.5 miles E of Ridgeway on SC 34, Right
on dirt road for 0.5 miles, 28 acres
Sept. 2 & Saturdays Only, Afternoons
Only.
(864) 427-4771

GEORGETOWN

DNR Samworth WMA
15 miles north of Georgetown off US 701,
Follow Signs, 65 acres
Saturdays, Afternoons Only, Dove
Hunting Only
(843) 546-9489

GREENWOOD

U.S. Forest Service - Parsons Mountain
WMA
2 fields – ½ mile south of Cedar Springs
Church on Sec. Rd. 112, 30 acres, & near
Fell Hunt Camp, 15 acres.
1st season – Sept. 2 & Saturdays only,
afternoons only.
2nd and 3rd season - Mon-Sat. (864)
223-2731

HAMPTON

DNR - Webb Wildlife Center
3 miles west of Garnett on Augusta Stage
Coach Rd., 100 acres
Sept 4 & 21, Oct. 5, Nov. 27, Dec. 21, Jan
4 & 15 Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage
Preserve, Schultz Tract, From Stephens
Crossroads on SC 9, Turn north on Sec Rd
57 & Proceed 2.2 miles, Left on Sec Rd
111 & Proceed 2 miles, Left on Oscar Rd.,
Bear Left & Then Right to Field Entrance,
32 acres
Sept. 2 & Saturdays only, afternoons only
(843) 546-8119, (843) 248-6013

KERSHAW

Landfill, 5 miles north of Camden on US
1, Right on Sec Rd 489 for 1 mile, Right
on Sec Rd 331 for .1 mile, Left at Gate
under Power Line, 25 acres
Sept. 2 & Saturdays Only, Afternoons
Only
Dove Hunting Only. (864) 427-4771

LANCASTER

Payne Property
8.9 miles north of Kershaw on US 601,
Left on Sec Rd 27 for 1.3 miles, Field on
Left, 20 acres.
Sept. 2 & Saturdays Only, Afternoons
Only.
Dove Hunting Only. (864) 427-4771

*LAURENS

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right
on tar & gravel road for .2 miles, Right on
dirt road for .1 mile, 12 acres
1st season –Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons - Open Mon - Sat
Afternoons Only All 3 seasons - (864)
427-4771

LEE

Atkinson Property
From I-20, Go 2.7 miles southeast on SC
341 to Wisacky, Go 0.9 miles west on
Cooper= Mill Rd. To Mt. Zion AME
Church. Go 3.7 miles south on Dog Island
Rd. Field on both sides of road. From US
401,
Go 1.1 miles northwest on Dog Island Rd.,
70 acres.
**Sept. 2 & Wednesdays beginning Sept.
11,** Afternoons only. Dove Hunting Only.
(843) 661-4768

MARLBORO

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

MCCORMICK

U.S. Army Corps of Engineers - Clarks
Hill WMA Waterfowl Area, 2.5 miles
south of Bordeaux on Sec Rd 110, 40 acres
Sept 4 & 25; Nov 27, Jan 15 only,
afternoons only
(864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Clarks
Hill WMA
3 miles south of Willington on Sec Rd 135,
2 miles southwest on Forest Service Rd.
563F, 25 acres
1st season – Wednesdays Only, Afternoons
Only.
2nd & 3rd seasons - Open Mon - Sat.
(864) 223-2731

MCCORMICK

U.S. Forest Service – Key Bridge WMA
Cunningham Fields
5 miles east of Plum Branch on SC 283. 1
mile south on Forest Service Rd. 688. 40
acres
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons – Open Mon – Sat. (864)
223-2731

MCCORMICK

U.S. Forest Service -Key Bridge WMA
7 miles east of Plum Branch on SC-283, 2
miles south on Sec. Rd. 138, 1 mile
southwest on USFS Rd. 618, 35 acre seed
tree area.
1st season – Sept. 2 & Saturdays Only,
Afternoons Only.
2nd & 3rd seasons - Open Mon-Sat. (864)
223-2731

MCCORMICK

U.S. Army Corps of Engineers - Key
Bridge WMA
2 miles west of Plum Branch on Sec Rd
57, 30 acres
1st season –Sept. 2 & Saturdays Only,
Afternoons Only.
2nd & 3rd seasons - Open Mon-Sat. (864)
223-2731

NEWBERRY

International Paper Company
From Intersection of Hwy 56 & 39 near
Chappells, Go 1 mile northwest on Hwy 39
& Turn Left on gravel road at Sign, 20
acres.
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons Open Mon-Sat.
Afternoons Only All 3 seasons . (864)
427-4771

NEWBERRY

U.S. Forest Service
10 miles north of Newberry on SC 121,
Turn Right on Forest Service Rd 490, Go 1
mile., Field at end of road on Left, 22
acres.
1st season - Sept. 7, 14, 21, 28 & Oct. 5
2nd & 3rd seasons Open Mon-Sat.
Afternoons Only -All 3 seasons. (803)
276-4810, (864) 427-4771

OCONEE

S.C. Forestry Commission - Piedmont
Nursery
From SC 130 north of Salem Turn Left on
SC 11 & follow signs to nursery, 18 acres
Sept, 2 & Saturdays Only, Afternoons
Only
Dove hunting only -- 3rd season – Closed.
(864) 654-1671

OCONEE

U.S. Forest Service - Ross Mtn. Field
About 7 miles north of Walhalla on SC 28,
Turn on Tunneltown Rd., Turn on Ross
Mtn. Rd, Field on Both Sides of road, 35
acres
Saturdays, Afternoons Only, Beginning
Sept 7
(864) 654-1671

****ORANGEBURG**

Santee Cooper - Santee Cooper WMA
.5 miles northeast of Eutaw Springs, 70
acres
Entire WMA under Dove Area
Regulations.
Sept 7, 14; Oct. 5; Nov. 30. Afternoons
Only.
Dove Hunting Only.
(843) 825-3387

PICKENS

Crescent Resources
From Seneca Take SC 130 north to SC
183, Turn Right on SC 183. Go about 1.5
miles to Gated road, Field on Left, 20
acres
1st season - Sept 2, 7, 14, 21, 28
2nd & 3rd seasons - Open Mon -Sat
Afternoons Only
(864) 654-1671

PICKENS

DNR Property
South of Pickens off Sec Rd 304 near SC
Highway Dept. Bldg., 40 acres
Sept. 2 & Saturdays Only, Afternoons
Only.
(864) 654-1671

PICKENS

Clemson University - Gravely
WMA - Causey Tract
From SC 11 Go south on Sec Rd 112 at
Cendy's Store, Turn east on Sec Rd 114 &
Go 0.5 miles; 25 acres
Sept. 2 & Saturdays Only, Afternoons
Only.
(864) 654-1671

PICKENS

Porter Field
183 from Pickens, Go 5 miles to Mtn.
View Church Rd. Right 1/10 miles, Field
on Right
Opens Sept. 7, Saturdays - Afternoons
Only. 1st & 2nd seasons Only. (864) 654-
1671

***RICHLAND**

Richland County - Landfill
From Columbia Take SC 215 north from
I-20 for about 6 miles, Turn Left, Then
back Right at Landfill Signs & Follow
Arrows to Field, 30 acres
1st season – Sept 2 & 14, Afternoons
Only. Dove Hunting Only. (864)
427-4771

SALUDA

S.C. Electric and Gas, Murray WMA
12 mi. N of Saluda on SC-121, 1 mi. E on
Tostie Creek Rd., 40 acres.
1st season – Sept. 2 & Saturdays Only.
Afternoons Only
2nd & 3rd seasons – Mon.-Sat. (864) 223-
2731

***SPARTANBURG**

Jones Property
From Intersection of Hwy 9 & 11, Go
north on Hwy 9 for 2.7 miles, Turn Right
on Wooden Bridge Rd, Go 0.6 miles, Field
on Left. 15 acres.
Sept. 2 & Saturdays, Afternoons Only
Dove Hunting Only. (864) 427-4771

***SPARTANBURG**

Santee Cooper
From intersection of US 176 & West Main
St. (Sec. Rd. 227) approx. 2.5 miles W. of
Pacolet, go 0.1 mile east on West Main St.
and turn left on Goldmine Rd. (Sec. Rd.
108) for 4.3 miles then turn right on
Hatchet Dr. Field at end of road. 15 acres.
Open only Nov. 23, 30; Dec. 21, 28; Jan.
4, 11.
Afternoons only. (864) 427-4771

SUMTER

S.C. Forestry Commission - Manchester
State Forest
Field locations posted at Forestry
Headquarters, Batten's at SC 261 & SC

763 in Wedgefield, or Shop-N-Go on SC
120, the Pinewood Rd., multiple fields,
150 acres
1st season - Wed or Sat Afternoons
(Designated Fields)
2nd & 3rd seasons - Open Mon. - Sat. (
Designated Fields and the general forest).
(803) 494-8196, (843) 661-4768

***UNION**

DNR Thurmond Tract
4.3 miles North on SC9 from the
intersection of SC 9 and SC 49 at
Lockhart. Field is on left. 15 acres.
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons open Mon – Sat.
Afternoons Only All 3 Seasons.
(864) 427-4771.

UNION

U.S. Forest Service
3 miles E of Cross Keys on Sec Rd 18 at
Intersection of Sec Rd 80 near Sedalia , 15
acres
1st season - Sept 7, 14, 21, 28 & Oct. 5
2nd & 3rd seasons - Open Mon - Sat.
Afternoons Only All 3 seasons
(864) 427-4771, (864) 427-9858

***YORK**

DNR - Draper Tract
3.5 miles E of McConnell on SC 322, Turn
Right on Sec Rd 165, Go .5 miles, Turn
Right, Two 30 acres Fields.
1st season – Sept. 2 & Saturdays Only,
Afternoons Only
2nd & 3rd seasons Open Mon - Sat.
Afternoons Only All 3 seasons.
**Opening day participants selected by
drawing. Apply in writing by Aug 19 to
DNR, 124 Wildlife Drive, Union, SC,
29379. Limited space available.** Call
(864) 427-4771

**SPECIAL YOUTH DOVE
HUNTS:**

*Eligibility for these hunts requires
adults 21 years or older to bring 1 or
2 youths up to 15 years of age (17
years of age on some fields).*

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain
WMA
Sept. 2. **Call (864) 223-2731 beginning
August 13 to pre-register.** Limited space
available.

****CLARENDON COUNTY YOUTH
HUNT**

Santee Cooper – Santee Dam WMA
From the south end of SC260, follow
gravel road at base of dam for approx. 5
miles, 137 acres.
Sept. 7. **No pre-registration required.
Youth age limit 17.** (843) 825-3387
Dove Hunting Only

NEWBERRY YOUTH HUNT

U.S. Forest Service near Whitmire.
September 2

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Participants selected by drawing. Apply in writing or call by Aug 23 to USFS, 20 Work Center Rd, Whitmire, SC 29178-9710. Limited space available. (803) 276-4810

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field
September 2
Participants selected by drawing. **Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670**
Limited Space Available (864) 654-1671

PICKENS YOUTH HUNT

Porter Field -- Sept 2
Participants selected by drawing.
Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670
Limited Space Available (864) 654-1671

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield
September 2
Call (843) 546-8119. Beginning August 14 but prior to August 23 for field location and to pre-register. Limited space available

UNION YOUTH HUNT

U.S. Forest Service near Sedalia
September 2

Participants selected by drawing. Apply in writing or call by Aug 23 to DNR, 124 Wildlife Dr., Union, SC 29379. Limited space available. (864) 427-4771

YORK YOUTH HUNT

DNR Draper WMA
September 2
Participants selected by drawing. Apply in writing or call by Aug 19 to DNR, 124 Wildlife Dr. Union, SC 29379. Limited Space Available. (864) 427-4771

Fiscal Impact Statement:

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

Filed: December 4, 2002, 9:45 am

Document No. 2812

DEPARTMENT OF NATURAL RESOURCES**CHAPTER 123**

Statutory Authority: 1976 Code Section 50-13-1630

Emergency Situation: Information provided by the U.S. Fish and Wildlife Service indicates that the nonindigenous family of fish Channidae (Snakehead) may be injurious to the wildlife and wildlife resources of the United States. The U.S. Fish and Wildlife Service has recently enacted a rule (50 CFR Part 16, RIN 1018-A136) that prohibits the interstate transportation and importation of any live animal or viable egg of snakeheads into the United States. It is important that South Carolina prohibit the possession of any snakeheads that may be in South Carolina. This would lessen the potential for their release into the State's waters and prevent any harm to South Carolina's aquatic resources.

Text: No person may possess, sell, buy, offer for sale, import, bring or cause to be brought or imported into South Carolina or released into the waters of South Carolina any live animal or egg of the family Channidae (Snakehead).

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: It will be illegal for a person to possess, sale, buy, import or cause the importation of any fish from the family Channidae (Snakehead). This includes the live fish and/or eggs of fish from this family.

Purpose: The snakehead is a fish that is not native to South Carolina. It is highly competitive and a significant predator on other fish species. Additionally, the snakehead exist in habitat similar to that of North America, therefore; it has the potential to reproduce in South Carolina waters outside of captivity. Because of these characteristics, there is a reasonable probability that if snakeheads are released into the State's waters they could develop a self-sustaining population that would have no natural controls or predators, thereby; threatening the aquatic resources of the state. Considering the threat to the State's aquatic resources and the impact that these fish could have on the nearly one billion dollars of economic impact produced by sportfishing, it is important that all steps be taken to prevent the snakehead from becoming established in South Carolina.

Legal authority: As provided in, 1976 Code Section 50-13-1630.

Plan for implementation: Upon the acceptance of the extension of this regulation, law enforcement officers of the South Carolina Department of Natural Resources will continue enforcing the conditions of the regulation. This action will constitute a routine component of their duties and will not require addition officers.

Upon return of the South Carolina General Assembly in January 2003, the Department of Natural Resources will submit a bill for their consideration that would make this regulation a statute.

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DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Due to the threat the nonindigenous family of fish Channidae (Snakehead) poses to South Carolina's aquatic resources and the economic benefit of those resource, it is essential that legal steps be taken to prevent the fish's presence, thereby, their potential escape into the State's waters. The Department of Natural Resources has the authority to establish regulations to make it illegal to possess this family of fish, and the agency has the means to enforce any such regulation. Preventing the threat posed by this family of fish is of significant importance to South Carolina.

DETERMINATION OF COSTS AND BENEFITS: No additional costs above routine law enforcement activities are anticipated to enforce this regulation. Preventing this family of fish from becoming established in the State's waters would avert damages to the State's aquatic resources and the positive economic impact those resources afford the state.

UNCERTAINTIES OF ESTIMATES: If fish from the family Channidae (Snakehead) are eventually released into the State's waters, there are no certainties that they would establish a naturally reproducing population, only a high probability.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation would have no adverse impact to the environment or public health of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT MPLEMENTED: This regulation is submitted to prevent the adverse environmental impacts that could occur should fish from the family Channidae become established in South Carolina waters. These adverse impacts include those to the State's aquatic resources and the economic value of those resources. While the Department of Natural Resources cannot confirm reports by the U.S. Fish and Wildlife Service that these fish have attacked humans, the agency believes it adds prudence to the establishment of the regulation.

Filed: November 22, 2002, 9:00 am

Document No. 2813
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the deer hunting seasons on these areas extends until January 1, 2003 it is necessary to re-file these regulations as emergency.

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

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

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

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar’s Head and Keowee WMA’s

Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Dec. 22 (WMA) Oct. 31 – Jan. 1 (Private land)	Total of 7 deer for all gun hunts. 2 deer buck ONLY, except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.
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Keowee WMA

Other Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. Shotguns only north of Hwy 123, west of the Keowee Arm of Lake Hartwell to the Old Clemson Seneca Hwy. Also west of Hwy 291, north and south of the Keowee arm of Lake artwell upstream from the Hwy 291 bridge. All other areas archery only.	Game Zone 1 & 2 bag limits.
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(B) Game Zone 2

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

Hogs And Coyotes: On WMA lands in Game Zone 2, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs during still gun hunts for deer. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

(D) Game Zone 4

Fairforest, Enoree, Carlisle, Broad River, Dutchman and Wateree WMA’s

Hogs And Coyotes: On WMA lands in Game Zone 4, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs during still gun hunts for deer. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

(H) Moultrie

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth will be allowed to carry a weapon and hunt.

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North Dike WMA

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; closed to small game hunting Wed. & Fri. during Nov. & Dec. Sandy Beach Waterfowl Area open for raccoon hunting Feb. 1 – Mar. 1, otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits. Except quail 8 per day.
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(I) Santee Cooper WMA

Small Game	1 st Mon. after the closing of the State Waterfowl Season through Mar. 1 (East Side of Ferguson Landing Rd Only), Except raccoon hunting each Sat., entire area.	Game Zone 6 Bag limits, except Quail- 8 per day.
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(U) Manchester State Forest WMA

Deer		Total of 5 deer per season for all hunts.
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Deer must be checked at check station. No man-drives during either-sex still gun hunts for deer. Hogs may be taken only during deer hunts or special hog hunts. No hogs may be removed alive from Manchester State Forest WMA.

Archery	Sept. 15 - 3 th Sat. in Sept.	1 per day, either-sex
Archery and Muzzleloader	4 th Mon. in Sept. - last Sat. Fri. prior to last Sat. in Sept.	1 per day , buck only 1 deer per day, either-sex
Dog Hunts	No open season except for clubs selected by computer drawing.	10 deer per day per club, 1 per day per person. Buck only, except by tags issued the day of the hunt.
Still Gun Hunts (No Dogs, no buckshot)	5 th Mon. - Sat. in Sept. 1 st Mon. - Sat. in Oct. 2 nd Mon. - Fri. in Oct. 4 th Tues. - Sat. in Oct. 5 th Tues. - Thur. in Oct. 1 st Tues. - Fri. in Nov. 2 nd Tues. - Thur. in Nov. 3 rd Tues. - Sat. in Nov. 4 th Mon. - Sat. in Nov.	1 per day, buck only except on either-sex hunts published annually.
Quail (Except Bland Tract)	Thanksgiving – March 1.	Game Zone 8 bag limits.
Special Hog Still Gun Hunt	1 st Mon. – Sat. in Feb.	Hogs only, no limit; no dogs.

Special Hog Hunt with Dogs limit of 4	2 nd Mon. – Sat. in Feb.	Hogs only, no limit, handguns only, bay or catch dogs per hunt party, no hogs.
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(W) Marsh Furniture WMA

Deer combined	Total of 3 deer for all hunts.
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The scouting season is the last Mon. - Sat. in Sept.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting. Hogs may be taken only during scheduled deer hunts.

Still Gun Hunts	4 th Mon. in Oct. – following Sat. 1 st Mon. in Nov. – following Sat. 2 nd Mon. in Nov. – following Sat.	1 deer per day, buck only Hogs no limit.
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Raccoon	1 st Wed. in Dec. – last Wed. or Sat. in Dec. Wed. – Sat. Only.	3 per party per night.
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(BB) Great Pee Dee River WMA

Deer Hunts	Total 3 deer for all hunts.
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For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. All individuals are required to sign in and out at the entrance. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs. Hogs may be taken only during deer hunts or special hog hunts. Firearms must be unloaded and cased and not readily accessible when not in legal use.

Gray Squirrels (No fox squirrels)	Thanksgiving Day - Mar. 1st. No small game hunting during deer hunt periods.	Game Zone 8 bag limits.
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Woodcock	Federal Seasons.	Federal limits.
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Raccoon	Wed. & Sat. nights beginning 1 st Sat. after Thanksgiving – last Wed. or Sat. in Feb.	3 per party per night.
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Small Game	No open season on other small game species.
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Special Hog Hunt	3 rd Mon. in Dec. - the following Sat. 1 st Mon. in Feb. - the following Sat.	Hogs only, no limit.
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(KK) Bucksport WMA

Deer	Total 5 deer per season.
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No hunting from motorized boats.

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Archery and Muzzleloader	4 th Mon. in Oct. - 3 rd Sat. in Nov.	1 deer per day, buck only
(NN) Dungannon WMA		
Deer Hunts (No dogs)		Total 8 deer per season.
Archery (No dogs)	Oct. 15 through Dec. 1	2 deer per day, either-sex.
(OO) Santee Dam WMA		
Hogs (No dogs) Archery and Muzzleloader	Jan. 2 – Mar. 1	No limit
(QQ) Oak Lea WMA		
		Total 10 deer per season.
Archery	Sept. 15 through Sept. 30.	2 deer per day, either-sex.
Still Gun Hunts	No open season except hunters selected by drawing.	3 deer per day, either-sex; 1 buck per day limit. Total 20 deer per hunt party.
(SS) Edisto River WMA		
Deer		Total 8 deer per season
Archery	Sept. 15 – 30	1 per day, either-sex Hogs, no limit
Muzzle Loader	Mon. - Sat. for two weeks Beginning the 1 st full week in October.	1 per day, either-sex Hogs, no limit
Still Gun Hunts	Monday following the closing of muzzleloader season through the 3 rd Sat. in Nov.	1 per day, either-sex each Fri. & Sat. in Nov. Hogs, no limit
Small Game	Monday following the closing of still gun deer hunt until Mar. 1	Game Zone 6 bag limits except Quail- 8 per day.
(TT) Stumphouse WMA		

In order to fish or hunt Stumphouse WMA each adult (21 or older) must have at least one youth 17 or under accompanying them. Senior Citizens over 65 years of age are exempt from carrying a youth in order to fish. No motorized vehicles or horses allowed on the property. Walk in use only. Small game hunting only from Thanksgiving Day through March 1.

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun).

Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts For Deer Only	Oct. 11 through Oct. 16 Oct. 31- Wed. before	Total of 7 deer for all gun hunts. eEither-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 1 seasons apply.	Game Zone 1 bag limits.

WILDLIFE MANAGEMENT AREA REGULATIONS

Deer

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: The first two Fridays and Saturdays in November.

Game Zones 2 - 11: (except Dillon, Horry and Marlboro counties) Saturday after October 3; every Friday and/or Saturday from October 11 to Thanksgiving day inclusive; Saturdays in December beginning 23 days after Thanksgiving day; and the last day of the open season.

Dillon, Horry and Marlboro counties: Saturday after October 3; beginning October 11, the next 2 Fridays and Saturdays, inclusive, and the Friday and Saturday before Thanksgiving.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special bear season.

7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species. Regulations pertaining to the use of Dove Management Areas will be filed annually.

10.12 Hunters may not enter Hatchery WMA prior to 3 AM and must leave the area by 1 PM. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing and accurately complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-31. Jan. No fishing allowed during scheduled waterfowl hunts.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Clemson, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Tibwin, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

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

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DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Clemson	Hunters selected by drawing during regular season.	Federal Limits
Donnelley	Hunters selected by drawing during regular season.	Federal Limits
DELETE - Fant's Grove (name changed to Clemson)		
Potato Creek Hatchery	Wed. and Sat. only during regular season.	Federal Limits
Samworth	Hunters selected by drawing during regular season.	Federal Limits
Santee-Delta	Hunters selected by drawing during regular season.	Federal Limits

Fiscal Impact Statement:

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

Document No. 2761
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001) and 59-36-10, (Supp. 2001), 20 U.S.C. 1400 *et seq.* (1997)

43-243.1. Criteria for Entry into Programs of Special Education for Students with Disabilities

Synopsis:

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs, substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations to meet federal requirements regarding the provision of a free and appropriate education to students with disabilities. This amendment is to provide clarification of the Preschool Child with Disabilities eligibility criteria Sections B(2)(a) and B(2)(b).

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Instructions:

Amend Sections (B)(2)(a) and (B)(2)(b) of Regulation 43-243.1, Criteria for Entry into Programs of Special Education for Students with Disabilities.

Text:

43-243.1(B)(2)(a)(b), Criteria for Entry into Programs of Special Education for Students with Disabilities

B. Preschool Child with a Disability

1. Definition

A Preschool Child with a Disability means a child ages three, four, or five whose developmental progress is delayed to the extent that a program of special education is required to ensure his/her adequate preparation for school-age experiences.

2. Eligibility Criteria

A multidisciplinary evaluation team that includes a teacher or other specialist with knowledge in early childhood education may determine that a preschool child has a disability and is eligible for special education and related services, if appropriate, if the evaluation information collected from multiple sources verifies one or more of the following:

a. The child's scores on a standardized norm-referenced test are at least two standard deviations below the mean in one or more of the following five areas: cognition, communication, motor, activities of daily living, or social/emotional development (the child's scores in the area of social/emotional development will be two or more standard deviations discrepant from the mean in a maladaptive direction); or

b. The child's scores on a standardized norm-referenced test are at least one and one-half standard deviations below the mean in two or more of the following five areas: cognition, communication, motor, activities of daily living, or social/emotional development (the child's scores in the area of social/emotional

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development will be one and one-half standard deviations discrepant from the mean in a maladaptive direction);
or

c. The child meets specified state eligibility criteria for any of the following disabilities:

- (1) speech or language impairment,
- (2) orthopedic impairment,
- (3) visual impairment,
- (4) deafness and hearing impairment,
- (5) other health impairment,
- (6) deafblindness,
- (7) autism,
- (8) traumatic brain injury, or
- (9) multiple disabilities.

3. Evaluation

The following evaluation components are required for children who do not meet one or more of the criteria specified in item 2c, above:

a. Documentation of vision, hearing, and speech-language screening conducted within the past twelve months.

b. A developmental history, of the child that includes a summary of his or her demographic, developmental, educational, and medical history obtained from a parent or primary caregiver.

c. Documentation of a structured observation of the child in a typical or otherwise appropriate setting (wherever the child spends the majority of his or her day) by a member of the multidisciplinary evaluation team. If speech is the only disability, a pragmatics assessment must be conducted.

d. A comprehensive developmental evaluation conducted by a certified school psychologist, a licensed school psychologist, or a licensed psycho-educational specialist and by other appropriate professionals, as needed, utilizing norm-referenced measures. The comprehensive developmental evaluation shall include measures in the areas of cognition, communication, motor skills, activities of daily living, and social/emotional maturity administered within the past twelve months.

Fiscal Impact Statement: The State Department of Education does not anticipate additional costs to the state or its political subdivisions.

Document No. 2762
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001), 20 U.S.C. Section 1400 *et seq.* (1997), 20 U.S.C. Section 1412(B) (1997)

43-243. Special Education, Education of Students with Disabilities

Synopsis:

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs (OSEP), substantially revised the federal regulations implementing the IDEA. As a result

of the reauthorization of the IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate public education to students with disabilities. The OSEP is now requiring the Department to clarify these revised regulations in Section C(6)(a) regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

Section C(6)(a). This section is being expanded to include additional information from the IDEA regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

Instructions: Amend Section (C)(6)(a) of Regulation 43-243, Special Education, Education of Students with Disabilities by adding a second sentence to paragraph a., Chapter 43 regulations.

Text:

43-243(C)(6)(a). Special Education, Education of Students with Disabilities.

C. Free Appropriate Public Education (FAPE)

1. Purpose

All students with disabilities ages three through twenty-one who are residents of the State, including students who have been suspended or expelled from school, shall be provided with a FAPE, including special education and related services.

2 Responsibility of State Department of Education (SDE)

a. The provision of special education and related services for children with disabilities ages three through twenty-one shall be the responsibility of the SDE and the school districts. Additional vehicles of service delivery shall include state agencies, institutions, and other participating organizations. The SDE shall be responsible for assuring that the requirements of Part B of the IDEA are carried out and that all educational programs for students with disabilities within the State, including all such programs administered by any other state or local agency, will be under the general supervision of the persons responsible for educational programs for students with disabilities in the SDE and shall meet education standards of the SDE.

b. A FAPE shall be accorded to all students with disabilities through school districts/agencies, including students with disabilities who are placed by school districts in private schools. To ensure the implementation of a FAPE, policies and procedures must be submitted to the SDE for approval. Following review and approval of these policies and procedures, the SDE shall monitor school districts/agencies to ensure compliance with the provisions of the IDEA. The primary delivery system of a FAPE is through the school district. All school districts must identify and provide appropriate special education programs available to all students with disabilities within their jurisdiction. Students with disabilities who have been unilaterally placed in private schools by their parents, however, do not have an individual entitlement to a FAPE. Requirements for private school students are included in the section of these regulations titled "Private Schools." Enforcement of these requirements is through the SDE and through content and approval of school district applications for entitlements under the IDEA.

c. An IEP must be in effect no later than the child's third birthday. This responsibility includes providing a FAPE for students with disabilities in foster homes, group homes, orphanages, or

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state-operated health facilities, including facilities for the treatment of mental illness or chemical dependence located within the jurisdiction of the school district.

d. In the event that a third party places a student with a disability in a residential setting for purposes other than education, the SDE shall approve the educational program prior to such a placement. Therefore, prior to any state agency's placing a student with a disability in any setting, the educational program must be approved in advance by the SDE.

e. All private schools and private residential schools serving students with disabilities placed there by a school district/agency must comply with SDE standards, as well as all educational programs under the authority of a state agency.

3. FAPE for Students Suspended or Expelled from School

a. School district/agencies are not required to provide special education or related services during periods of removals or suspensions for a student with a disability who has been removed or suspended from his or her current placement for ten cumulative school days or less in a given school year if services are not provided to a student without disabilities who has been similarly removed.

b. If the school district/agency continues to impose removals or suspensions for a student who has already been removed or suspended from his or her current placement for ten cumulative school days during the school year, the school district/agency must ensure that services are provided to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

(1) School personnel, in consultation with the special education teacher, must determine the extent to which services are necessary if the removal or suspension is for less than ten consecutive school days and does not constitute a change of placement as described in the section of these regulations titled "Procedural Safeguards."

(2) The student's IEP team must determine the extent to which services are necessary if the student is removed by school personnel to an interim alternative educational setting for up to forty-five calendar days for weapons or drugs or by a due process hearing officer based on a determination of dangerousness or a substantial likelihood of injury.

(3) The student's IEP team must determine the extent to which services are necessary if the student is expelled for behavior determined not be a manifestation of the student's disability.

(4) The student's IEP team must determine the extent to which services are necessary if the parent agrees to a change in placement for the student because of his or her behavior.

(5) The services must include interventions and modifications to address the behavior and must be designed to prevent the behavior from recurring.

4. Students Advancing from Grade to Grade

a. A FAPE is available to any individual student with a disability who needs special education and related services, even though the student is advancing from grade to grade.

b. The determination that a student is eligible for special education and related services must be made on an individual basis by the group responsible within the student's school district/agency (IEP team and other qualified professionals, as appropriate) for making those determinations.

5. Highly Mobile Students

A FAPE must be made available to highly mobile students with disabilities, such as migrant and homeless students.

6. Exceptions to the FAPE

a. It is not required that special education and related services be provided to a student with a disability who, in the last educational placement prior to his or her incarceration in an adult correctional facility, was not actually identified as being a student with a disability and did not have an IEP. This exception does not apply to a student with a disability ages eighteen through twenty-one who was identified as a student with a disability and received services in accordance with an IEP, but who left school prior to his or her incarceration or did not have an IEP in his or her last educational setting, but who had actually been identified as a student with a disability under section B, part 7, "Definitions" and Part B of the IDEA.

b. There is no obligation to provide a FAPE to students with disabilities who have graduated from high school with a regular high school diploma. Graduation from high school with a regular diploma constitutes a change in placement requiring prior written notice.

c. Students who have graduated but have not been awarded a regular high school diploma are still entitled to receive a FAPE.

7. Proper Functioning of Hearing Aids

Each school district/agency must ensure that the hearing aids worn in school by students with hearing impairments, including deafness, are functioning properly.

8. Full Educational Opportunity Goal

Each school district/agency must establish and implement a goal of providing full educational opportunity to all students with disabilities in the area served by the school district/agency.

9. Program Options

Each school district/agency must take steps to ensure that its students with disabilities have available to them the variety of educational programs and services that are available to nondisabled students in the area served by the school district/agency, including art, music, industrial arts, consumer and homemaking education, and occupational education.

10. Nonacademic Services

a. Each school district/agency must take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford to students with disabilities an equal opportunity for participation in those services and activities.

b. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district/agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district/agency and assistance in making outside employment available.

11. Physical Education

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a. General

Physical education services, specially designed if necessary, must be made available to every student with a disability receiving a FAPE.

b. Regular Physical Education

Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless he or she

- (1) is enrolled full time in a separate facility or
- (2) needs specially designed physical education as prescribed in the student's IEP.

c. Special Physical Education

If specially designed physical education is prescribed in a student's IEP, the school district/agency responsible for the education of that student shall provide the services directly or shall make arrangements for those services to be provided through other public or private programs.

d. Education in Separate Facilities

The school district/agency responsible for the education of a student with a disability who is enrolled in a separate facility shall ensure that the student receives appropriate physical education services as described above.

12. Students with Disabilities in Public Charter Schools

a. Students with disabilities who attend public charter schools and their parents retain all rights extended under these regulations.

b. The school district is responsible for ensuring that the requirements of these regulations are met with respect to students with disabilities enrolled in any charter school that is a part of the district. The school district must have information on file with the SDE to demonstrate that in carrying out these regulations with respect to charter schools, the school district will serve students with disabilities attending those schools in the same manner that it serves students with disabilities in its other schools and will provide funds under Part B of the IDEA to those schools in the same manner that it provides those funds to its other schools.

13. Extended School Year Services

Each school district/agency must ensure that extended school year services are available as necessary to provide a FAPE. These services must be provided only if a student's IEP team determines, on an individual basis, that the services are necessary for the provision of a FAPE to the student in accordance with the section of these regulations titled "Individualized Education Programs."

14. Transition Services

Each school district/agency must ensure that transition services that promote movement from school to postschool activities are available as necessary to provide a FAPE in accordance with the section of these regulations titled "Individualized Education Programs."

15. Assistive Technology

Each school district/agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in section B, part 1, "Definitions," are available as necessary to provide a FAPE to students with disabilities.

16. Residential Placement

If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program, including nonmedical care and room and board, must be at no cost to the parents of the child.

17. No Delay in Implementing a Student's IEP

There must be no delay in implementing a student's IEP, including any case in which the source that will provide or pay for special education and related services to the student is being determined.

Fiscal Impact Statement: The State Department of Education does not anticipate additional costs to the state or its political subdivisions.

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Document No. 2804

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40, as amended

R.61-63. Radioactive Materials (Title A)

Synopsis:

The Nuclear Regulatory Commission continually updates regulations, and state regulations are amended regularly to incorporate federal updates. Section 274 of the Atomic Energy Act of 1954, as amended, requires that the states adopt federal regulations for compatibility. This amendment adopts into regulation the Nuclear Regulatory Commission updates as an item of compatibility. The action amends requirements for certain generally licensed industrial devices containing radioactive material (Part II), amends regulations regarding the use of respiratory protection and other controls to restrict intake of radioactive materials (Part III), updates regulations concerning personnel dosimetry (Parts V, VIII, and XI), and amends regulations governing licenses and radiation safety requirements for well logging (Part VIII). This amendment will comply with 10 CFR Parts 20, 30, 31, 32, 34, 36, and 39, Final Rules, published in the Federal Register on October 7, 1999, December 18, 2000, October 24, 2000, and April 17, 2000, respectively. Legislative review will not be required.

This amendment was approved by the Board of Health and Environmental Control on December 12, 2002. The revision was promulgated to comply with federal law; neither a fiscal impact statement nor assessment report is required. See discussion of revisions below and a statement of need and reasonableness provided herein.

Discussion of Revisions:

- (1) Revises requirements for certain generally licensed industrial devices in Part II.

<u>SECTION</u>	<u>REVISION</u>
61-63.2.2	Incorporates registration requirement for certain general licensees.
61-63.2.4.1	Revises "Purpose and Scope" section.
61-63.2.4.2	Revises section title.
61-63.2.4.2.2	Revises acquisition criteria for generally licensed devices.
61-63.2.4.2.3.5	Revises actions required due to detection of a leaking source.
61-63.2.4.2.3.7 through 2.4.2.3.7.2	Revises disposition criteria.
61-63.2.4.2.3.8 through 2.4.2.3.8.2	Revises device transfer criteria.
61-63.2.4.2.3.10 through 2.4.2.3.13	New sections added requiring general license registration for certain devices.
61-63.2.7.1.1.3.3	Revises labeling of a generally licensed device, including footnote changes.

- 61-63.2.7.1.1.4 through 2.7.1.1.5 Add new sections for labeling.
 - 61-63.2.7.1.4 through 2.7.1.4.5 Revises sections regarding transfer of generally licensed devices within this state.
 - 61-63.2.7.1.5 through 2.7.1.9.2 Adds sections outlining transfer of generally licensed devices to NRC states; labeling requirements; bankruptcy notification; and reporting of transfers to the Department.
 - 61-63.2.10.6 Revises section regarding bankruptcy notification by those general licensees required to register.
- (2) Clarifying changes for respiratory protection programs and controls to restrict internal exposure.

<u>SECTION</u>	<u>REVISION</u>
61-63.3.2.5	Adds new definition for "Air-purifying respirator."
61-63.3.2.5 and 3.2.6	Renumbered due to addition of new definition at 3.2.5.
61-63.3.2.8	New definition added.
61-63.3.2.9	New definition added.
61-63.3.2.7 through 3.2.23	Renumbered to 3.2.10 through 3.2.26.
61-63.3.2.27	New definition added for "Demand respirator."
61-63.3.2.24 through 3.2.26	Renumbers definitions to 3.2.28 through 3.2.30.
61-63.3.2.31	Add new definition for "Disposable respirator."
61-63.3.2.27 through 3.2.36	Renumbers definitions to 3.2.32 through 3.2.41.
61-63.3.2.42	Add new definition for "filtering facepiece."
61-63.3.2.43	Add new definition for "fit factor."
61-63.3.2.44	Add new definition for "fit test."
61-63.3.2.37 and 3.2.38	Renumbers definitions to 3.2.45 and 3.2.46.
61-63.3.2.47	Add new definition for "Helmet."

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- 61-63.3.2.39 Renumbered definitions to 3.2.48 and 3.2.49.
and 3.2.40
- 61-63.3.2.50 Add new definition for "Hood."
- 61-63.3.2.41 through 3.2.47 Renumbers definitions to 3.2.51 through 3.2.57.
- 61-63.3.2.58 Add new definition for "Loose-fitting facepiece."
- 61-63.3.2.48 through 3.2.51 Renumbers definitions to 3.2.59 through 3.2.62.
- 61-63.3.2.63 Add new definition for "Negative pressure respirator."
- 61-63.3.2.52 through 3.2.57 Renumbers definitions to 3.2.64 through 3.2.69.
- 61-63.3.2.70 Add new definition for "Positive pressure respirator."
- 61-63.3.2.71 Add new definition for "Powered air-purifying respirator."
- 61-63.3.2.72 Add new definition for "Pressure demand respirator."
- 61-63.3.2.58 Renumbered to 3.2.73.
- 61-63.3.2.74 Add new definition for "Qualitative fit test."
- 61-63.3.2.59 Renumbered to 3.2.75
- 61-63.3.2.76 Add new definition for "Quantitative fit test."
- 61-63.3.2.60 through 3.2.64 Renumbered to 3.2.77 through 3.2.81.
- 61-63.3.2.82 Add new definition for "Self-contained breathing apparatus."
- 61-63.3.2.65 through 3.2.70 Renumbered to 3.2.83 through 3.2.88.
- 61-63.3.2.89 Add new definition for "Supplied-air respirator."
- 61-63.3.2.90 Add new definition for "Tight-fitting facepiece."
- 61-63.3.2.71 through 3.2.73 Renumbered to 3.2.91 through 3.2.93.
- 61-63.3.2.94 Add new definition for "User seal check."
- 61-63.3.2.74 through 3.2.83 Renumber to 3.2.95 through 3.2.104.
- 61-63.3.19.1.1 Revision clarifying process controls used by the licensee.

- 61-63.3.19.2 Revision to section clarifying use of other process controls.
- 61-63.3.19.3.1.1 Revision to permit the use of only those respirators tested and certified by NIOSH.
- 61-63.3.19.3.1.2 Revision to permit the use of only those respirators tested and certified by NIOSH.
- 61-63.3.19.3.1.3.1 Revision clarifying intent of a respiratory protection program.
- 61-63.3.19.3.1.3.3 Section revised for respirator operability testing.
- 61-63.3.19.3.1.3.4 Section revised to expand required written procedures needed for a respiratory program.
- 61-63.3.19.3.1.3.5 Revision of physician testing of individual users.
- 61-63.3.19.3.1.3.6 Add new section to clarify when and how often fit testing is required.
- 61-63.3.19.3.1.4 through 3.19.3.1.4.3 Revision to remove section due to its redundancy.
- 61-63.3.19.3.1.5 Renumbered to 3.19.3.1.4.
- 61-63.3.19.3.1.6 Renumbered to 3.19.3.1.5 and revised to require the licensee to account for adverse environmental conditions on the equipment and the wearer.
- 61-63.3.19.3.1.6 New section added to require standby rescue persons in certain situations.
- 61-63.3.19.3.1.7 Add new section to specify minimum quality of supplied breathing air for use of atmosphere-supplying respirators.
- 61-63.3.19.3.1.8 Add new section to prohibit use of respirators whenever any conditions interfere with the seal of the respirator.
- 61-63.3.19.3.2 Revision to section to incorporate the new ANSI terminology for "assigned protection factor."
- 61-63.3.19.3.2.1 through 3.19.3.4 Sections removed due to redundancy (respirator selection), needless regulatory burden (30 day notice), or information having been stated elsewhere in the regulations (applications to the Department for higher "APFs").
- 61-63.3.19.4.1 Revision to clarify that the Department will use ALARA considerations in any additional restrictions imposed by the Department on the use of respiratory protection equipment.
- 61-63.3.19.5 Add new section specifying procedures for applying to the Department to use higher APFs.
- 61-63.3.52 Appendix A – Revised in its entirety.

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(3) New dosimetry technology.

<u>SECTION</u>	<u>REVISION</u>
61-63.5.14.1	Revision to delete the limitation of the use of film badges and TLDs and allow the use any personnel dosimeter that requires processing, provided that the processor of the dosimeter is NVLAP accredited.
61-63.5.14.2	Revision to consolidate record retention criteria.
61-63.5.14.3	Revised to consolidate record retention criteria.
61-63.5.14.4	Revision to allow the use of any personnel dosimeter and not restrict monitoring to the use of film badges or TLDs.
61-63.5.14.5	Revision to allow the use of any personnel dosimeter and not restrict monitoring to the use of film badges or TLDs.
61-63.5.14.6.4	Revision to consolidate record retention criteria.
61-63.5.14.7	Add new section to summarize record retention criteria for this part.
61-63.8.21.1	Revision to remove the limitation to the use of film badges and TLDs, and to permit the use of a personnel dosimeter that is processed by an accredited NVLAP processor.
61-63.8.21.3	Revision to incorporate conforming language for "personnel dosimeters" in place of "film badges and TLDs."
61-63.11.20.1	Revision to remove the limitation to the use of film badges and TLDs, and to permit irradiator operators to wear any personnel dosimeter requiring processing to determine dose, provided that the dosimeter is processed by a NVLAP accredited processor.
61-63.11.28.5	Revision to use conforming terminology of "personnel dosimeter" in place of "film badges and TLDs."

(4) Energy compensation sources for well logging and other regulatory clarifications.

<u>SECTION</u>	<u>REVISION</u>
61-63.8.3.1	Add definition for "Energy compensation source."
61-63.8.3.1 through 8.3.15	Renumbered to 8.3.2 through 8.3.16.
61-63.8.3.17	Add new definition for "Tritium neutron generator target source."
61-63.8.3.16 through 8.3.18	Renumber to 8.3.18 through 8.3.20.
61-63.8.5.1.5.2	Revision to allow a more performance-based approach to prevent inadvertent intrusion on an abandoned source.
61-63.8.10.2	Revision to clarify purpose of this section and remove redundant wording.

- 61-63.8.10.3 Revision to clarify purpose of this section and to note the exemption of ECS's and allow an expanded test frequency for these sources.
- 61-63.8.10.4 Revision to clarify purpose of this section.
- 61-63.8.10.5.1 Revision to indicate that hydrogen-3 and tritium are the same.
- 61-63.8.13.1 Revision describing applicable requirements for a sealed source.
- 61-63.8.13.1.3 New section added to reference additional sealed source use criteria.
- 61-63.8.13.2 New section added to allow pre-1989 sources to meet USASI standards.
- 61-63.8.13.3 New section added to provide for the use of current ANSI standards.
- 61-63.8.13.4 New section added to introduce existing source testing criteria.
- 61-63.8.13.1.3 Renumbered to 8.13.4.1.
- 61-63.8.13.1.3.1 Renumbered to 8.13.4.1.1.
- 61-63.8.13.1.3.2 Renumbered to 8.13.4.1.2.
- 61-63.8.13.1.3.3 Renumbered to 8.13.4.1.3.
- 61-63.8.13.1.3.4 Renumbered to 8.13.4.1.4.
- 61-63.8.13.1.3.5 Renumbered to 8.13.4.1.5.
- 61-63.8.13.2 Renumbered to 8.13.5 and additional references added.
- 61-63.8.13.6 New section added to clarify that these requirements do not apply to ECS's.
- 61-63.8.13.7 New section added to provide requirements for ECS's.
- 61-63.8.13.8 New section added to provide requirements for tritium neutron generator target sources.
- 61-63.8.17 Revision to eliminate an obsolete date.
- 61-63.8.27.3.1 Revision to allow an option to immediately abandon a well without prior Departmental approval.
- 61-63.8.27.4.9 New section added to require the licensee to justify in writing why it was necessary to immediately abandon a well without prior Departmental approval.
- 61-63.8.27.4.9 Renumbered to 8.27.4.10.
- 61-63.8.27.4.10 Renumbered to 8.27.4.11.

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Instructions: Amend R.61-63 pursuant to each individual instruction provided with the text below:

Text:

Revise R.61-63.2.2 to read:

RHA 2.2 TYPES OF LICENSES

Licenses for radioactive materials are of two types; general and specific.

The Department issues a specific license to a named person who has filed an application for the license under the provisions of this regulation (61-63). A general license is provided by regulation, grants authority to a person for certain activities involving radioactive material, and is effective without the filing of an application with the Department or the issuance of a licensing document to a particular person. However, registration with the Department may be required by the particular general license.

Revise R.61-63.2.4.1 to read:

2.4.1 Purpose and Scope

This part establishes general licenses for the possession and use of radioactive material and a general license for ownership of radioactive material. Specific provisions of Part II are applicable to general licenses established by this section. These provisions are specified herein or in the particular general license. The general licenses provided in this part are subject to the general provisions of Part II and RHA 1.5, 1.6, 1.7, 1.8, 1.11, 1.12, 2.9, 2.17, 2.18, 2.20.2.1.2, Part III and Part VI of these regulations unless indicated otherwise in the specific provision of the general license¹.

Revise R.61-63.2.4.2 to read:

2.4.2 Certain Detecting, Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere

¹Attention is directed particularly to the provisions of Part III of this regulation concerning labeling of containers.

Revise R.61-63.2.4.2.2 to read:

2.4.2.2 The general license in RHA 2.4.2.1 of this section applies only to radioactive material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued under RHA 2.7 of this part or an equivalent specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State.

The devices must have been received from one of the specific licensees described in the above paragraph or through a transfer made under RHA 2.4.2.3.8 of this part.

Revise R.61-63.2.4.2.3.5 to read:

2.4.2.3.5 Shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie (185 bequerel) or more of removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued by the Department or by the U.S. Nuclear Regulatory Commission or an Agreement State. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific

license to receive the radioactive material in the device or as otherwise approved by the Department. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Department within 30 days. Under these circumstances, the criteria set out in RHA 3.57.2 "Radiological criteria for unrestricted use," may be applicable, as determined by the Department on a case-by-case basis;

Revise R.61-63.2.4.2.3.7 through 2.4.2.3.7.2 to read:

2.4.2.3.7 Shall transfer or dispose of the device containing radioactive material only by transfer to another general licensee as authorized in RHA 2.4.2.3.8 or to a person authorized to receive the device by a specific license issued by this Department or by the U.S. Nuclear Regulatory Commission or an Agreement State or as otherwise approved under RHA 2.4.2.3.7.2. In complying with this section, the licensee:

2.4.2.3.7.1 Shall furnish a report to the Department within 30 days after the transfer of a device to a specific licensee. The report must contain the identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number; the name, address, and license number of the person receiving the device; and the date of the transfer.

2.4.2.3.7.2 Shall obtain written Departmental approval before transferring the device to any other specific licensee not specifically identified in RHA 2.4.2.3.7.

Revise R.61-63.2.4.2.3.8 through 2.4.2.3.8.2 to read:

2.4.2.3.8 Shall transfer the device to another general licensee only:

2.4.2.3.8.1 Where the device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this regulation, a copy of RHA 2.4.1, 2.18, 3.44, and 3.45 of this chapter, and any safety documents identified in the label of the device. Within 30 days of the transfer, the transferor shall report to the Department the manufacturer's (or initial transferor's) name; the model number and the serial number of the device transferred; the transferee's name and mailing address for the location of use; and the name, title, and phone number of the responsible individual identified by the transferee in accordance with RHA 2.4.2.3.10 to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements or:

2.4.2.3.8.2 Where the device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee.

Add new sections R.61-63.2.4.2.3.10 through 2.4.2.3.13:

2.4.2.3.10 Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.

2.4.2.3.11 Shall register generally licensed devices:

2.4.2.3.11.1 When the device contains at least 10 mCi (370 MBq) of cesium-137, 0.1 mCi (3.7 MBq) of strontium-90, 1 mCi (37 MBq) of cobalt-60, or 1 mCi (37 MBq) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each

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address for a location of use, as described under RHA 2.4.2.3.11.3 (iv) represents a separate general licensee and requires a separate registration and fee.

2.4.2.3.11.2 Annually, if in possession of a device meeting the criteria of RHA 2.4.2.3.11.1. Registration shall be made with the Department and the fee required by Department Regulation 61-30 shall be paid. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Department. The registration information must be submitted to the Department within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of RHA 2.4.2.3.11.1 is subject to the bankruptcy notification requirement in RHA 2.10.6.

2.4.2.3.11.3 In registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Department:

- (i) Name and mailing address of the general licensee.
- (ii) Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope and activity (as indicated on the label).
- (iii) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under RHA 2.4.2.3.10.
- (iv) Address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage.
- (v) Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information.
- (vi) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.

2.4.2.3.11.4 Persons generally licensed by the U.S. Nuclear Regulatory Commission with respect to devices meeting the criteria in RHA 2.4.2.3.11.1 are not subject to registration requirements if the devices are used in areas subject to Departmental jurisdiction for a period less than 180 days in any calendar year. The Department will not request registration information from such licensees.

2.4.2.3.12 Shall report changes to the mailing address for the location of use (including change in name of general licensee) to the Department within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.

2.4.2.3.13 May not hold devices that are not in use for longer than 2 years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by RHA 2.4.2.3.2 need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

Revise R.61-63.2.7.1.1.3.3 to read:

2.7.1.1.3.3 The information called for in the following statement in the same or substantially similar form:

Receipt, possession, use, and transfer of this device Model^{3*}, Serial No ^{3*}, containing (Identity and quantity of radioactive material) are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

CAUTION-RADIOACTIVE MATERIAL

(Name of manufacturer, assembler, or initial transferor)^{3*}

Add new sections R.61-63.2.7.1.1.4 through 2.7.1.1.5:

2.7.1.1.4 Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words, "Caution-Radioactive Material," the radiation symbol described in RHA 3.21, and the name of the manufacturer or initial distributor.

2.7.1.1.5 Each device meeting the criteria of RHA 2.4.2.3.11.1 bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, "Caution-Radioactive Material," and, if practicable the radiation symbol described in RHA 3.21.

³The model, serial number, and name of manufacturer, assembler, or initial transferor may be omitted from this label provided they are elsewhere specified in labeling affixed to the device.

Revise R.61-63.2.7.1.4 through 2.7.1.4.5 to read:

2.7.1.4 If a device containing radioactive material is to be transferred for use under the general license contained in RHA 2.4.2 of this part, each person that is licensed under RHA 2.7.1 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--

2.7.1.4.1 A copy of the general license contained in RHA 2.4.2; if RHA 2.4.2.3.2 through 2.4.2.3.4 or RHA 2.4.2.3.11 do not apply to the particular device, those paragraphs may be omitted.

2.7.1.4.2 A copy of RHA 2.4.1, 2.18, 3.44, and 3.45 of this part;

2.7.1.4.3 A list of the services that can only be performed by a specific licensee;

2.7.1.4.4 Information on acceptable disposal options including estimated costs of disposal; and

2.7.1.4.5 An indication that the Department's policy is to issue high civil penalties for improper disposal.

Add new sections R.61-63.2.7.1.5 through 2.7.1.9.2:

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2.7.1.5 If radioactive material is to be transferred in a device for use under an equivalent general license of the NRC or an Agreement State, each person that is licensed under RHA 2.7.1 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--

2.7.1.5.1 A copy of the NRC or Agreement State or regulations equivalent to RHA 2.4.1, 2.4.2, 2.18, 3.44 and 3.45 of this part or a copy of these Agreement State regulations. If a copy of the Department's regulations is provided to a prospective general licensee in lieu of the NRC regulations, it shall be accompanied by a note explaining that use of the device is regulated by the NRC or other Agreement State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted.

2.7.1.5.2 A list of the services that can only be performed by a specific licensee;

2.7.1.5.3 Information on acceptable disposal options including estimated costs of disposal; and

2.7.1.5.4 The name or title, address, and phone number of the contact at the appropriate regulatory agency, NRC or Agreement State, having jurisdiction at the device's new location, from which additional information may be obtained.

2.7.1.6 An alternative approach to informing customers may be proposed by the licensee for approval by the Department.

2.7.1.7 Each device that is transferred after February 2004 must meet the labeling requirements in RHA 2.7.1.4.3 through 2.7.1.4.5.

2.7.1.8 If a notification of bankruptcy has been made under RHA 2.10.6 or the license is to be terminated, each person licensed under RHA 2.7.1 shall provide, upon request, to the Department and to the appropriate regulatory agency, NRC or Agreement State, having jurisdiction at the device's new location, records of final disposition required under RHA 2.7.1.9.2.

2.7.1.9 Each person licensed under RHA 2.7.1 to initially transfer devices to generally licensed persons shall comply with the requirements of this section.

2.7.1.9.1 The person shall report all transfers of devices to persons for use under the general license in RHA 2.4.2 of these regulations and for use under equivalent NRC regulations (10CFR31.5) or other Agreement State's regulations and all receipts of devices from persons licensed under RHA 2.4.2 to the Department or to the appropriate NRC office or other Agreement State office. The report must be submitted on a quarterly basis on NRC Form 653—"Transfers of Industrial Devices Report" or in a clear and legible report containing all of the data required by the form. (NRC Form 653 may be obtained from the Department or found in NUREG-1556, Vol. 16.)

2.7.1.9.1.1 The required information for transfers to general licensees includes--

(i) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use.

(ii) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

- (iii) The date of transfer;
- (iv) The type, model number, and serial number of the device transferred; and
- (v) The quantity and type of radioactive material contained in the device.

2.7.1.9.1.2 If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).

2.7.1.9.1.3 For devices received from a general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

2.7.1.9.1.4 If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

2.7.1.9.1.5 The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

2.7.1.9.1.6 The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

2.7.1.9.1.7 If no transfers have been made to or from persons generally licensed under RHA 2.4.2 during the reporting period, the report must so indicate. If no transfers have been made to or from an NRC or other Agreement State during the reporting period, this information should be made available to the responsible agency upon their request.

2.7.1.9.2 The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this section. Records required by this paragraph must be maintained for a period of 3 years following the date of the recorded event.

Revise R.61-63.2.10.6 to read:

2.10.6 Each general licensee that is required to register by RHA 2.4.2.3.11 of this Part and each specific licensee shall notify the Department, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

Add new definition for R.61-63.3.2.5:

3.2.5 "Air-purifying respirator" means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

Renumber existing R.61-63.3.2.5 to 3.2.6:

3.2.6 "ALARA" (acronym for "as low as is reasonably achievable") means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to

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benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed materials in the public interest.

Renumber existing R.61-63.3.2.6 to 3.2.7:

3.2.7 "Annual limit on intake" (ALI) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table 1, Columns 1 and 2, of Appendix B, RHA 3.53).

Add new definition for R.61-63.3.2.8:

3.2.8 "Assigned protection factor" (APF) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

Add new definition for R.61-63.3.2.9:

3.2.9 "Atmosphere-supplying respirator" means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

Renumber existing R.61-63.3.2.7 to 3.2.10:

3.2.10 "Background radiation" means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices. "Background radiation" does not include radiation from source, byproduct, or special nuclear materials regulated by the Department.

Renumber existing R.61-63.3.2.8 to 3.2.11:

3.2.11 "Bioassay" (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

Renumber existing R.61-63.3.2.9 to 3.2.12:

3.2.12 "Chelating agent" means amine polycarboxylic acids, hydrocarboxylic, gluconic acid, and polycarboxylic acids.

Renumber existing R.61-63.3.2.10 to 3.2.13:

3.2.13 "Chemical description" means a description of the principal chemical characteristics of a low-level radioactive waste.

Renumber existing R.61-63.3.2.11 to 3.2.14:

3.2.14 "Class" (or lung class or inhalation class) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D (Days) of less than 10 days, for Class W (Weeks) from 10 to 100 days, and for Class Y (Years) of greater than 100 days.

Renumber existing R.61-63.3.2.12 to 3.2.15:

3.2.15 "Collective dose" is the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

Renumber existing R.61-63.3.2.13 to 3.2.16:

3.2.16 "Committed dose equivalent" (H) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Renumber existing R.61-63.3.2.14 to 3.2.17:

3.2.17 "Committed effective dose equivalent" ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = 3W_T H_{T,50}$).

Renumber existing R.61-63.3.2.15 to 3.2.18:

3.2.18 "Computer-readable medium" means a medium selected from the available technologies, as authorized by the Department, that can be used to transfer the information to the Department's computer.

Renumber existing R.61-63.3.2.16 to 3.2.19:

3.2.19 "Consignee" means the designated receiver of the shipment of low-level radioactive waste.

Renumber existing R.61-63.3.2.17 to 3.2.20:

3.2.20 "Constraint (dose constraint)" means a value above which specified licensee actions are required.

Renumber existing R.61-63.3.2.18 to 3.2.21:

3.2.21 "Controlled area" means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

Renumber existing R.61-63.3.2.19 to 3.2.22:

3.2.22 "Critical Group" means the group of individuals reasonably expected to receive the greatest exposure to residual radiation for any applicable set of circumstances.

Renumber existing R.61-63.3.2.20 to 3.2.23:

3.2.23 "Declared pregnant woman" means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

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Renumber existing R.61-63.3.2.21 to 3.2.24:

3.2.24 "Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to level that permits 1) release of the property for unrestricted use and termination of the license; or 2) release of the property under restricted conditions and termination of the license.

Renumber existing R.61-63.3.2.22 to 3.2.25:

3.2.25 "Decontamination facility" means a facility operating under a license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives, and, for purposes of this part, is not considered to be a consignee for LLW shipments.

Renumber existing R.61-63.3.2.23 to 3.2.26:

3.2.26 "Deep-dose equivalent" (H_d), which applies to external whole-body exposure, is the dose equivalent at a tissue depth of 1 cm (1000 mg/cm^2).

Add new definition for R.61-63.3.2.27:

3.2.27 "Demand respirator" means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

Renumber existing R.61-63.3.2.24 to 3.2.28:

3.2.28 "Derived air concentration" (DAC) means the concentration of a given radionuclide in air which, if breathed by the reference man for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour), results in an intake of one ALI. DAC values are given in Table 1, Column 3, of Appendix B, RHA 3.53.

Renumber existing R.61-63.3.2.25 to 3.2.29:

3.2.29 "Derived air concentration-hour" (DAC-hour) is the product of the concentration of radioactive material in air (expressed as a fraction or multiple of the derived air concentration for each radionuclide) and the time of exposure to that radionuclide, in hours. A licensee may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 5 rems (0.05 Sv).

Renumber existing R.61-63.3.2.26 to 3.2.30:

3.2.30 "Disposal container" means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see "high integrity container"). Note that for some shipments, the disposal container may be the transport package.

Add new definition for R.61-63.3.2.31:

3.2.31 "Disposable respirator" means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

Renumber existing R.61-63.3.2.27 to 3.2.32:

3.2.32 "Distinguishable from Background" means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

Renumber existing R.61-63.3.2.28 to 3.2.33:

3.2.33 "Dose or radiation dose" is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent, as defined in other paragraphs of this section.

Renumber existing R.61-63.3.2.29 to 3.2.34:

3.2.34 "Dose equivalent" (H_T) means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv).

Renumber existing R.61-63.3.2.30 to 3.2.35:

3.2.35 "Effective dose equivalent" (H_E) is the sum of the products of the dose equivalent to the organ or tissue (H_T) and the weighting factors (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum W_T H_T$).

Renumber existing R.61-63.3.2.31 to 3.2.36:

3.2.36 "Embryo/fetus" means the developing human organism from conception until the time of birth.

Renumber existing R.61-63.3.2.32 to 3.2.37:

3.2.37 "Entrance or access point" means any location through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

Renumber existing R.61-63.3.2.33 to 3.2.38:

3.2.38 "EPA identification number" means the number received by a transporter following application to the administrator of EPA as required by 40 CFR Part 263.

Renumber existing R.61-63.3.2.34 to 3.2.39:

3.2.39 "Exposure" means being exposed to ionizing radiation or to radioactive material.

Renumber existing R.61-63.3.2.35 to 3.2.40:

3.2.40 "External dose" means that portion of the dose equivalent received from radiation sources outside the body.

Renumber existing R.61-63.3.2.36 to 3.2.41:

3.2.41 "Extremity" means hand, elbow, arm below the elbow, foot, knee, and leg below the knee.

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Add new definition for R.61-63.3.2.42:

3.2.42 "Filtering facepiece" (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

Add new definition for R.61-63.3.2.43:

3.2.43 "Fit factor" means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

Add new definition for R.61-63.3.2.44:

3.2.44 "Fit test" means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

Renumber existing R.61-63.3.2.37 to 3.2.45:

3.2.45 "Generally applicable environmental radiation standards" means standards issued by the Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

Renumber existing R.61-63.3.2.38 to 3.2.46:

3.2.46 "Generator" means a licensee operating under a Commission or Agreement State license who (1) is a radioactive waste generator as defined in this part, or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g. waste generated as a result of decontamination or recycle activities).

Add new definition for R.61-63.3.2.47:

3.2.47 "Helmet" means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

Renumber existing R.61-63.3.2.39 to 3.2.48:

3.2.48 "High Integrity Container (HIC)" means a container commonly designed to meet the structural stability requirements of Appendix E, RHA 3.56.2.2, and to meet Department of Transportation requirements for a Type A package.

Renumber existing R.61-63.3.2.40 to 3.2.49:

3.2.49 "High radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

Add new definition for R.61-63.3.2.50:

3.2.50 "Hood" means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

Renumber existing R.61-63.3.2.41 to 3.2.51:

3.2.51 "Individual monitoring" means:

- (1) The assessment of dose equivalent by the use of devices designed to be worn by an individual;
- (2) The assessment of committed effective dose equivalent by bioassay (see Bioassay) or by determination of the time-weighted air concentrations to which an individual has been exposed, i.e., DAC-hours; or
- (3) The assessment of dose equivalent by the use of survey data.

Renumber existing R.61-63.3.2.42 to 3.2.52:

3.2.52 "Individual monitoring devices (individual monitoring equipment)" means devices designed to be worn by a single individual for the assessment of dose equivalent such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers, and personal ("lapel") air sampling devices.

Renumber existing R.61-63.3.2.43 to 3.2.53:

3.2.53 "Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

Renumber existing R.61-63.3.2.44 to 3.2.54:

3.2.54 "Land disposal facility" means the land buildings and structures, and equipment which are intended to be used for the disposal of radioactive wastes.

Renumber existing R.61-63.3.2.45 to 3.2.55:

3.2.55 "Lens dose equivalent (LDE)" applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

Renumber existing R.61-63.3.2.46 to 3.2.56:

3.2.56 "Licensed material" means source material, special nuclear material, or byproduct material received, possessed, used, transferred or disposed of under a general or specific license issued by the Department.

Renumber existing R.61-63.3.2.47 to 3.2.57:

3.2.57 "Limits (dose limits)" means the permissible upper bounds of radiation doses.

Add new definition for R.61-63.3.2.58:

3.2.58 "Loose-fitting facepiece" means a respiratory inlet covering that is designed to form a partial seal with the face.

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Renumber existing R.61-63.3.2.48 to 3.2.59:

3.2.59 "Lost or missing licensed material" means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.

Renumber existing R.61-63.3.2.49 to 3.2.60:

3.2.60 "Member of the public" means any individual except when that individual is receiving an occupational dose.

Renumber existing R.61-63.3.2.50 to 3.2.61:

3.2.61 "Minor" means an individual less than 18 years of age.

Renumber existing R.61-63.3.2.51 to 3.2.62:

3.2.62 "Monitoring" (radiation monitoring, radiation protection monitoring) means the measurement of radiation levels, concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

Add new definition for R.61-63.3.2.63:

3.2.63 "Negative pressure respirator" (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

Renumber existing R.61-63.3.2.52 to 3.2.64:

3.2.64 "Nonstochastic effect" means health effects, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect (also called a deterministic effect).

Renumber existing R.61-63.3.2.53 to 3.2.65:

3.2.65 "NRC Forms 540, 540A, 541, 541A, 542, and 542A" are official NRC forms referenced in this regulation. Licensees need not use originals of these NRC Forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size, and location of information. Upon agreement between the shipper and consignee, NRC Forms 541 (and 541A) and NRC Forms 542 (and 542A) may be completed, transmitted, and stored in electronic media. The electronic media must have the capability for producing legible, accurate, and complete records in the format of the uniform manifest.

Renumber existing R.61-63.3.2.54 to 3.2.66:

3.2.66 "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and/or radioactive material from licensed and unlicensed sources of radiation whether in the possession of the licensee or other person. Occupational dose does not include doses received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with RHA 4.8.12, or from voluntary participation in medical research programs, or as a member of the public.

Renumber existing R.61-63.3.2.55 to 3.2.67:

3.2.67 "Package" means the assembly of components necessary to ensure compliance with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for transport.

Renumber existing R.61-63.3.2.56 to 3.2.68:

3.2.68 "Physical description" means the items called for on NRC Form 541 to describe a low-level radioactive waste.

Renumber existing R.61-63.3.2.57 to 3.2.69:

3.2.69 "Planned special exposure" means an infrequent exposure to radiation, separate from and in addition to the annual dose limits.

Add new definition for R.61-63.3.2.70:

3.2.70 "Positive pressure respirator" means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

Add new definition for R.61-63.3.2.71:

3.2.71 "Powered air-purifying respirator" (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

Add new definition for R.61-63.3.2.72:

3.2.72 "Pressure demand respirator" means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

Renumber existing R.61-63.3.2.58 to 3.2.73:

3.2.73 "Public dose" means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a licensee, or to any other source of radiation under the control of the licensee. Public dose does not include occupational dose or doses received from background radiation, from any medical administration the individual had received, from exposure to individuals administered radioactive material and released in accordance with RHA 4.8.12, or from voluntary participation in medical research programs.

Add new definition for R.61-63.3.2.74:

3.2.74 "Qualitative fit test" (QLFT) means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

Renumber existing R.61-63.3.2.59 to 3.2.75:

3.2.75 "Quality Factor" (Q) means the modifying factor (listed in tables 1 and 2 of RHA 3.3) that is used to derive dose equivalent from absorbed dose.

Add new definition for R.61-63.3.2.76:

3.2.76 "Quantitative fit test" (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

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Renumber existing R.61-63.3.2.60 to 3.2.77:

3.2.77 "Reference man" means a hypothetical aggregation of human physical and physiological characteristics arrived at by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base.

Renumber existing R.61-63.3.2.61 to 3.2.78:

3.2.78 "Residual Radioactivity" means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with this Regulation.

Renumber existing R.61-63.3.2.62 to 3.2.79:

3.2.79 "Residual waste" means low-level radioactive waste resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators. This waste is attributable to the processor or decontamination facility, as applicable.

Renumber existing R.61-63.3.2.63 to 3.2.80:

3.2.80 "Respiratory protective device" means an apparatus, such as a respirator, used to reduce the individual's intake of airborne radioactive materials.

Renumber existing R.61-63.3.2.64 to 3.2.81:

3.2.81 "Sanitary sewerage" means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee.

Add new definition for R.61-63.3.2.82:

3.2.82 "Self-contained breathing apparatus" (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

Renumber existing R.61-63.3.2.65 to 3.2.83:

3.2.83 "Shallow-dose equivalent" (H^s), which applies to the external exposure of the skin or an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm^2) averaged over an area of 1 square centimeter.

Renumber existing R.61-63.3.2.66 to 3.2.84:

3.2.84 "Shipper" means the licensed entity (i.e. the waste generator, waste collector, or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor, or land disposal facility operator.

Renumber existing R.61-63.3.2.67 to 3.2.85:

3.2.85 "Shipping paper" means NRC Form 540 and if required, NRC Form 540A which includes the information required by DOT in 49 CFR Part 172.

Renumber existing R.61-63.3.2.68 to 3.2.86:

3.2.86 "Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form, or (2) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (a) uranium, (b) thorium, or (c) any combination thereof. Source material does not include special nuclear material (SNM).

Renumber existing R.61-63.3.2.69 to 3.2.87:

3.2.87 "Special nuclear material" means (1) plutonium, uranium-233, uranium-enriched in the isotope-233 or the isotope-235, or (2) any material artificially enriched by any of the foregoing. This definition does not include source material.

Renumber existing R.61-63.3.2.70 to 3.2.88:

3.2.88 "Stochastic effects" means health effects that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

Add new definition for R.61-63.3.2.89:

3.2.89 "Supplied-air respirator" (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

Add new definition for R.61-63.3.2.90:

3.2.90 "Tight-fitting facepiece" means a respiratory inlet covering that forms a complete seal with the face.

Renumber existing R.61-63.3.2.71 to 3.2.91:

3.2.91 "Total Effective Dose Equivalent" (TEDE) means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Renumber existing R.61-63.3.2.72 to 3.2.92:

3.2.92 "Type A quantity" means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A_1 for special form radioactive material or A_2 for normal form radioactive material, where A_1 and A_2 are given in Appendix A 10CFR Part 71 or may be determined by procedures described in Appendix A 10CFR Part 71.

Renumber existing R.61-63.3.2.73 to 3.2.93:

3.2.93 "Uniform Low-Level Radioactive Waste Manifest or uniform manifest" means the combination of NRC Forms 540, 541, and, if necessary, 542, and their respective continuation sheets as needed, or equivalent.

Add new definition for R.61-63.3.2.94:

3.2.94 "User seal check" (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

Renumber existing R.61-63.3.2.74 to 3.2.95:

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3.2.95 "Very high radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or from any surface that the radiation penetrates.

[Note: At very high doses received at high dose rates, units of absorbed dose (e.g., rads and grays) are appropriate, rather than units of dose equivalent (e.g., rems and sieverts).]

Renumber existing R.61-63.3.2.75 to 3.2.96:

3.2.96 "Waste collector" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

Renumber existing R.61-63.3.2.76 to 3.2.97:

3.2.97 "Waste description" means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC Form 541.

Renumber existing R.61-63.3.2.77 to 3.2.98:

3.2.98 "Waste generator" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, who possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a "waste generator" if the transfer of low-level radioactive waste from its facility is defined as "residual waste."

Renumber existing R.61-63.3.2.78 to 3.2.99:

3.2.99 "Waste processor" means an entity, operating under a license issued by the Department, the U.S. Nuclear Regulatory Commission, or another Agreement State, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

Renumber existing R.61-63.3.2.79 to 3.2.100:

3.2.100 "Waste type" means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste solidified in a specifically defined media).

Renumber existing R.61-63.3.2.80 to 3.2.101:

3.2.101 "Weighting factor, W_T ," for an organ or tissue (T) is the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of W_T are:

ORGAN DOSE WEIGHTING FACTORS

Organ or Tissue	W_T
Gonads	0.25
Breast	0.15
Red bone marrow.....	0.12
Lung	0.12
Thyroid.....	0.03
Bone surfaces.....	0.03
Remainder.....	¹ 0.30
Whole Body.....	² 1.00

¹ 0.30 results from 0.06 for each of 5 "remainder" organs (excluding the skin and the lens of the eye) that receive the highest doses.

² For the purpose of weighting the external whole body dose (for adding it to the internal dose), a single weighting factor, $W_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

Renumber existing R.61-63.3.2.81 to 3.2.102:

3.2.102 "Working level" (WL) is any combination of short-lived radon daughters (for radon-222: polonium-218, lead-214, bismuth-214, and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212, and polonium-212) in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy.

Renumber existing R.61-63.3.2.82 to 3.2.103:

3.2.103 "Working level month" (WLM) means an exposure to 1 working level for 170 hours (2,000 working hours per year/12 months per year = approximately 170 hours per month).

Renumber existing R.61-63.3.2.83 to 3.2.104:

3.2.104 "Year" means the period of time beginning in January used to determine compliance with the provisions of this part. The licensee may change the starting date of the year used to determine compliance by the licensee provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

Revise R.61-63.3.19.1.1 to read:

3.19.1.1 The licensee shall use, to the extent practical, process or other engineering controls (e.g., containment, decontamination or ventilation) to control the concentrations of radioactive material in air.

Revise R.61-63.3.19.2 to read:

3.19.2 Use of Other Controls

When it is not practical to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

3.19.2.1 Control of access;

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3.19.2.2 Limitation of exposure times;

3.19.2.3 Use of respiratory protection equipment; or

3.19.2.4 Other controls.

If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.

Revise R.61-63.3.19.3.1.1 to read:

3.19.3.1.1 The licensee shall use only respiratory protection equipment that is tested and certified by the National Institute for Occupational Safety and Health (NIOSH), except as otherwise noted in this regulation.

Revise R.61-63.3.19.3.1.2 to read:

3.19.3.1.2 If the licensee wishes to use equipment that has not been tested or certified by NIOSH or for which there is no schedule for testing or certification, the licensee shall submit an application for authorized use of that equipment, except as provided in this regulation, including a demonstration by testing, or a demonstration on the basis of reliable test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use.

Revise R.61-63.3.19.3.1.3.1 to read:

3.19.3.1.3.1 Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate doses;

Revise R.61-63.3.19.3.1.3.3 to read:

3.19.3.1.3.3 Testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;

Revise R.61-63.3.19.3.1.3.4 to read:

3.19.3.1.3.4 Written procedures regarding selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to each use; supervision and training of personnel; breathing air quality; storage; inventory and control; repair; quality assurance of respiratory protection equipment; limitations on periods of respirator use and relief from respirator use; monitoring, including air sampling and bioassays; and recordkeeping; and

Revise R.61-63.3.19.3.1.3.5 to read:

3.19.3.1.3.5 Determination by a physician prior to initial fitting of face sealing respirators or before the first field use of non-face sealing respirators, and either every 12 months thereafter or periodically at a frequency determined by a physician, that the individual user is medically fit to use the respiratory protection equipment.

Add new R.61-63.3.19.3.1.3.6 to read:

3.19.3.1.3.6 Fit testing, with fit factor ≥ 10 times the APF for negative pressure devices, and a fit factor ≥ 500 for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed 1 year. Fit testing must be performed with the facepiece operating in the negative pressure mode.

Replace existing R.61-63.3.19.3.1.4 through 3.19.3.1.4.3 to read:

3.19.3.1.4 The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.

Revise and renumber existing R.61-63.3.19.3.1.6 to 3.19.3.1.5 to read:

3.19.3.1.5 The licensee shall use equipment within limitations for type and mode of use and shall provide proper visual, communication, and other special capabilities (such as low temperature work environments) when needed. The licensee shall also provide for the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in such a way as not to interfere with the proper operation of the respirator.

Add new R.61-63.3.19.3.1.6 to read:

3.19.3.1.6 Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

Add new R.61-63.3.19.3.1.7 to read:

3.19.3.1.7 Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, "Commodity Specification for Air," 1997 and included in the regulations of the Occupational Safety and Health Administration (29 CFR 1910.134 (i) (1) (ii) (A) through (E)). Grade D quality air criteria include:

- (1) Oxygen content (v/v) of 19.5-23.5%;
- (2) Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
- (3) Carbon monoxide (CO) content of 10 ppm or less;
- (4) Carbon dioxide content of 1,000 ppm or less; and
- (5) Lack of noticeable odor.

Add new R.61-63.3.19.3.1.8 to read:

3.19.3.1.8 The licensee shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face--facepiece seal or valve function, and that are under the control of the

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respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

Replace existing R.61-63.3.19.3.2 to read:

3.19.3.2 In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

Delete existing R.61-63.3.19.3.2.1 in its entirety.

Delete existing R.61-63.3.19.3.2.2 in its entirety.

Delete existing R.61-63.3.19.3.2.2.1 in its entirety.

Delete existing R.61-63.3.19.3.2.2.2 in its entirety.

Delete existing R.61-63.3.19.3.3 in its entirety.

Delete existing R.61-63.3.19.3.4 in its entirety.

Revise existing R.61-63.3.19.4.1 to read:

3.19.4.1 Ensure that the respiratory protection program of the licensee is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and

Add new R.61-63.3.19.5:

3.19.5 Application for use of higher assigned protection factors.

The licensee shall obtain authorization from the Department before using assigned protection factors in excess of those specified in Appendix A, RHA 3.52. The Department may authorize a licensee to use higher assigned protection factors on receipt of an application that--

Add new R.61-63.3.19.5.1:

3.19.5.1 Describes the situation for which a need exists for higher protection factors; and

Add new R.61-63.3.19.5.2:

3.19.5.2 Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

Replace existing R.61-63.3.52, Appendix A in its entirety:

APPENDIX A – RHA 3.52 PROTECTION FACTORS FOR RESPIRATORS^a

	Operating Mode	Assigned Protection Factors
I. Air Purifying Respirators (Particulate^b only)^c		
Filtering facepiece disposable ^d	Negative Pressure	(^d)
Facepiece, half ^e	Negative Pressure	10
Facepiece, full	Negative Pressure	100
Facepiece, half	Powered air-purifying respirators	50
Facepiece, full	Powered air-purifying respirators	1000
Helmet/hood	Powered air-purifying respirators	1000
Facepiece, loose-fitting	Powered air-purifying respirators	25
II. Atmosphere supplying respirators (particulate, gases and vapors^f)		
1. Air-line respirator:		
Facepiece, half	Demand	10
Facepiece, half	Continuous Flow	50
Facepiece, half	Pressure Demand	50
Facepiece, full	Demand	100
Facepiece, full	Continuous Flow	1000
Facepiece, full	Pressure Demand	1000
Helmet/hood	Continuous Flow	1000
Facepiece, loose-fitting	Continuous Flow	25
Suit	Continuous Flow	(^g)
2. Self-contained breathing Apparatus (SCBA):		
Facepiece, full	Demand	^h 100
Facepiece, full	Pressure Demand	ⁱ 10,000
Facepiece, full	Demand, Recirculating	^h 100
Facepiece, full	Positive Pressure Recirculating	ⁱ 10,000
III. Combination Respirators;		
Any combination of air-purifying and atmosphere-supplying respirators	(1) Assigned protection factor for type and mode of operation as listed above.	

^a These assigned protection factors apply only in a respiratory protection program that meets the requirements of this Part. They are applicable only to airborne radiological hazards and may not be appropriate to circumstances when chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. Selection and use of respirators for such circumstances must also comply with Department of Labor regulations.

Radioactive contaminants for which the concentration values in Table 1, Column 3 of Appendix B, RHA 3.53 are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

^b Air purifying respirators with APF <100 must be equipped with particulate filters that are at least 95 percent efficient. Air purifying respirators with APF = 100 must be equipped with particulate filters that are at least 99

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percent efficient. Air purifying respirators with APFs >100 must be equipped with particulate filters that are at least 99.97 percent efficient.

^c The licensee may apply to the Department for the use of an APF greater than 1 for sorbent cartridges as protection against airborne radioactive gases and vapors (e.g., radioiodine).

^d Licensees may permit individuals to use this type of respirator who have not been medically screened or fit tested on the device provided that no credit be taken for their use in estimating intake or dose. It is also recognized that it is difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All other respiratory protection program requirements listed in RHA 3.19.3 apply. An assigned protection factor has not been assigned for these devices. However, an APF equal to 10 may be used if the licensee can demonstrate a fit factor of at least 100 by use of a validated or evaluated, qualitative or quantitative fit test.

^e Under-chin type only. No distinction is made in this Appendix between elastomeric half-masks with replaceable cartridges and those designed with the filter medium as an integral part of the facepiece (e.g., disposable or reusable disposable). Both types are acceptable so long as the seal area of the latter contains some substantial type of seal-enhancing material such as rubber or plastic, the two or more suspension straps are adjustable, the filter medium is at least 95 percent efficient and all other requirements of this Part are met.

^f The assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is not considered a significant respiratory hazard, and protective actions for these contaminants should be based on external (submersion) dose considerations.

^g No NIOSH approval schedule is currently available for atmosphere supplying suits. This equipment may be used in an acceptable respiratory protection program as long as all the other minimum program requirements, with the exception of fit testing, are met (i.e., RHA 3.19.3).

^h The licensee should implement institutional controls to assure that these devices are not used in areas immediately dangerous to life or health (IDLH).

ⁱ This type of respirator may be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances. This device may not be used by any individual who experiences perceptible outward leakage of breathing gas while wearing the device.

Revise existing R.61-63.5.14.1 to read:

5.14.1 The licensee may not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm rate meter and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. At permanent radiography facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming rate meter is not required. Pocket dosimeters must have a range from zero to at least 200 milliroentgens and must be recharged at the start of each shift. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters. Each personnel dosimeter must be assigned to and worn by only one individual.

Revise existing R.61-63.5.14.2. to read:

5.14.2 Pocket dosimeters or electronic personal dosimeters must be read and exposures recorded at the beginning and end of each shift. The licensee shall retain each record of these exposures in accordance with RHA 5.14.7.1.

Revise existing R.61-63.5.14.3 to read:

5.14.3 Pocket dosimeters or electronic personal dosimeters shall be checked at periods not to exceed one year for correct response to radiation. Acceptable dosimeters shall read within plus or minus 20 percent of the true radiation exposure. Records must be maintained in accordance with RHA 5.14.7.1.

Revise existing R.61-63.5.14.4 to read:

5.14.4 If an individual's pocket chamber is found to be off scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in records to be maintained by the licensee until the Department terminates the license.

If the personnel dosimeter that is required by RHA 5.14.1 is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter meeting the requirements is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be included in the records to be maintained until the Department terminates the license.

Revise existing R.61-63.5.14.5 to read:

5.14.5 Film badges must be replaced at periods not to exceed one month and other personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months. After replacement, each personnel dosimeter must be processed as soon as possible. Dosimetry reports received from the accredited NVLAP personnel dosimeter processor must be retained in accordance with RHA 5.14.7.3.

Revise existing R.61-63.5.14.6.4 to read:

5.14.6.4 Be calibrated at periods not to exceed one year for correct response to radiation: Acceptable rate meters must alarm within plus or minus 20 percent of the true radiation dose rate. Records of these calibrations must be maintained in accordance with RHA 5.14.7.2.

Add new R.61-63.5.14.7 through 5.14.7.4 to read:

5.14.7 Each licensee shall maintain the following exposure records specified in RHA 5.14:

5.14.7.1 Direct reading dosimeter readings and yearly operability checks required by RHA 5.14.2 and 5.14.3 for 3 years after the record is made.

5.14.7.2 Records of alarm ratemeter calibrations for 3 years after the record is made.

5.14.7.3 Personnel dosimeter results received from the accredited NVLAP processor until the Department terminates the license.

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5.14.7.4 Records of estimates of exposures as a result of: off-scale personal direct reading dosimeters, or lost or damaged personnel dosimeters until the Department terminates the license.

Add new definition for R.61-63.8.3.1:

8.3.1 "Energy compensation source" (ECS) means a small sealed source, with an activity not exceeding 100 microcuries (3.7 MBq), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

Renumber existing R.61-63.8.3.1 to 8.3.2:

8.3.2 "Field station" means a facility where radioactive material may be stored or used and from which equipment is dispatched to temporary jobsites.

Renumber existing R.61-63.8.3.2 to 8.3.3:

8.3.3 "Fresh water aquifer", for the purpose of this Part, means a geologic formation that is capable of yielding fresh water to a well or spring.

Renumber existing R.61-63.8.3.3 to 8.3.4:

8.3.4 "Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

Renumber existing R.61-63.8.3.4 to 8.3.5:

8.3.5 "Irretrievable well logging source" means any sealed source containing radioactive material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

Renumber existing R.61-63.8.3.5 to 8.3.6:

8.3.6 "Logging assistant" means any individual who, under the personal supervision of a logging supervisor, handles sealed sources or tracers that are not in logging tools or shipping containers or who performs surveys required by RHA 8.22.

Renumber existing R.61-63.8.3.6 to 8.3.7:

8.3.7 "Logging supervisor" means an individual who uses radioactive material or provides personal supervision in the use of radioactive material at a temporary jobsite and who is responsible to the licensee for assuring compliance with the requirements of the Department's regulations and the conditions of the license.

Renumber existing R.61-63.8.3.7 to 8.3.8:

8.3.8 "Logging tool" means a device used subsurface to perform well logging.

Renumber existing R.61-63.8.3.8 to 8.3.9:

8.3.9 "Personal supervision" means guidance and instruction by a logging supervisor, who is physically present at a temporary jobsite, who is in personal contact with logging assistants, and who can give immediate assistance.

Renumber existing R.61-63.8.3.9 to 8.3.10:

8.3.10 "Radioactive marker" means radioactive material used for depth determination or direction orientation. For purposes of this Part, this term includes radioactive collar markers and radioactive iron nails.

Renumber existing R.61-63.8.3.10 to 8.3.11:

8.3.11 "Safety review" means a periodic review provided by the licensee for its employees on radiation safety aspects of well logging. The review may include, as appropriate, the results of internal inspections, new procedures or equipment, accidents or errors that have been observed, and opportunities for employees to ask safety questions.

Renumber existing R.61-63.8.3.11 to 8.3.12:

8.3.12 "Sealed source" means any radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

Renumber existing R.61-63.8.3.12 to 8.3.13:

8.3.13 "Source holder" means a housing or assembly into which a sealed source is placed to facilitate the handling and use of the source in well logging.

Renumber existing R.61-63.8.3.13 to 8.3.14:

8.3.14 "Subsurface tracer study" means the release of unsealed radioactive material or a substance labeled with radioactive material in a single well for the purpose of tracing the movement or position of the material or substance in the well or adjacent formation.

Renumber existing R.61-63.8.3.14 to 8.3.15:

8.3.15 "Surface casing for protecting fresh water aquifers" means a pipe or tube used as a lining in a well to isolate fresh water aquifers from the well.

Renumber existing R.61-63.8.3.15 to 8.3.16:

8.3.16 "Temporary jobsite" means a place where radioactive materials are present for the purpose of performing well logging or subsurface tracer studies.

Add new definition for R.61-63.8.3.17:

8.3.17 "Tritium neutron generator target source" means a tritium source used within a neutron generator tube to produce neutrons for use in well logging applications.

Renumber existing R.61-63.8.3.16 to 8.3.18:

8.3.18 "Uranium sinker bar" means a weight containing depleted uranium used to pull a logging tool toward the bottom of a well.

Renumber existing R.61-63.8.3.17 to 8.3.19:

8.3.19 "Well" means a drilled hole in which well logging may be performed. As used in this Part, "well" includes drilled holes for the purpose of oil, gas, mineral, groundwater, or geological exploration.

Renumber existing R.61-63.8.3.18 to 8.3.20:

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8.3.20 "Well logging" means, unless otherwise specified, all operations involving the lowering and raising of measuring devices or tools which contain radioactive material or are used to detect radioactive material in wells for the purpose of obtaining information about the well or adjacent formations which may be used in oil, gas, mineral, groundwater, or geological exploration.

Revise existing R.61-63.8.5.1.5.2 to read:

8.5.1.5.2A means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations; and

Revise existing R.61-63.8.10.2 to read:

8.10.2 Method of testing. The wipe of a sealed source must be performed using a leak test kit or method approved by the Department, the U.S. Nuclear Regulatory Commission, or any Agreement State. The wipe sample must be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be analyzed for radioactive contamination. The analysis must be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample and must be performed by a person approved by the Department, the U.S. Nuclear Regulatory Commission, or an Agreement State to perform the analysis.

Revise existing R.61-63.8.10.3 to read:

8.10.3 Test frequency. Each sealed source (except an energy compensation source (ECS)) shall be tested for leakage at intervals not to exceed six (6) months. In the absence of a certificate from a transferor that a leak test has been made within the 6 month period prior to the transfer, the sealed source shall not be put into use until leak tested. Each ECS that is not exempt from testing in accordance with RHA 8.10.5 of this section must be tested at intervals not to exceed 3 years. In the absence of a certificate from a transferor that a test has been made within the 3 years before the transfer, the ECS may not be used until tested.

Revise existing R.61-63.8.10.4 to read:

8.10.4 Removal of leaking source from service. Any test conducted pursuant to RHA 8.10.1, 8.10.2 and 8.10.3 which reveals the presence of 0.005 microcurie or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately remove the sealed source involved from use and shall cause it to be decontaminated and repaired or to be disposed of by a licensee authorized by the Department, the NRC or an Agreement State to perform these functions. The licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by a licensee authorized by the Department, the NRC or an Agreement State to perform these functions. Within five (5) days after obtaining results of the leak test, the licensee shall file a report with the Department describing the equipment involved, the test results and the corrective action taken.

Revise existing R.61-63.8.10.5.1 to read:

8.10.5.1 Hydrogen-3 (tritium) sources;

Revise existing R.61-63.8.13.1 to read:

8.13.1 A licensee may use a sealed source in well logging applications if:

Revise existing R.61-63.8.13.1.3 to read:

8.13.1.3 The sealed source meets the requirements of RHA 8.13.2, 8.13.3 or 8.13.4.

Delete R.61-63.8.13.1.3.1 through 8.13.1.3.5.

Revise existing R.61-63.8.13.2 to read:

8.13.2 For a sealed source manufactured on or before July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the requirements of USASI N5.10-1968, "Classification of Sealed Radioactive Sources," or the requirements in RHA 8.13.3 or 8.13.4 of this section.

Add new R.61-63.8.13.3 to read:

8.13.3 For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the oil-well logging requirements of ANSI/HPS N43.6-1997, "Sealed Radioactive Sources—Classification."

Add new R.61-63.8.13.4 to read:

8.13.4 For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications, if--

Add new R.61-63.8.13.4.1 to read:

8.13.4.1 The sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:

Add new R.61-63.8.13.4.1.1 to read:

8.13.4.1.1 Temperature. The test source must be held at -40° C for 20 minutes, 600° C for 1 hour, and then be subject to a thermal shock test with a temperature drop from 600° C to 20° C within 15 seconds.

Add new R.61-63.8.13.4.1.2 to read:

8.13.4.1.2 Impact Test. A 5kg steel hammer, 2.5cm in diameter, must be dropped from a height of 1m onto the test source.

Add new R.61-63.8.13.4.1.3 to read:

8.13.4.1.3 Vibration Test. The test source must be subject to a vibration from 25Hz to 500Hz at 5g amplitude for 30 minutes.

Add new R.61-63.8.13.4.1.4 to read:

8.13.4.1.4 Puncture Test. A 1 gram hammer and pin, 0.3cm pin diameter, must be dropped from a height of 1m onto the test source.

Add new R.61-63.8.13.4.1.5 to read:

8.13.4.1.5 Pressure Test. The test source must be subjected to an external pressure of 24,600 pounds per square inch absolute (1.695×10^7 pascals).

Add new R.61-63.8.13.5 to read:

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8.13.5 The requirements in RHA 8.13.1, 8.13.2, 8.13.3 and 8.13.4 do not apply to sealed sources that contain radioactive material in gaseous form.

Add new R.61-63.8.13.6 to read:

8.13.6 The requirements in RHA 8.13.1, 8.13.2, 8.13.3 and 8.13.4 of this section do not apply to energy compensation sources (ECS). ECSs must be registered with the Department under RHA 2.29 or with the NRC under Sec. 32.210.

Add new R.61-63.8.13.7 to read:

8.13.7 Energy compensation source. The licensee may use an energy compensation source (ECS) which is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 100 microcuries (3.7 MBq).

(a) For well logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of RHA 8.10, 8.11, and 8.12.

(b) For well logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of RHA 8.5, 8.10, 8.11, 8.12, 8.18, and 8.27.

Add new R.61-63.8.13.8 to read:

8.13.8 Tritium neutron generator target source.

(a) Use of a tritium neutron generator target source, containing quantities not exceeding 30 curies (1,110 MBq) and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this part except RHA 8.5, 8.13, and 8.27.

(b) Use of a tritium neutron generator target source, containing quantities exceeding 30 curies (1,110 MBq) or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of this part except RHA 8.13.

Revise existing R.61-63.8.17 to read:

RHA 8.17 URANIUM SINKER BARS

The licensee may use a uranium sinker bar in well logging applications, only if it is legibly impressed with the words "CAUTION - RADIOACTIVE DEPLETED URANIUM" and "NOTIFY CIVIL AUTHORITIES (or COMPANY NAME) IF FOUND."

Revise existing R.61-63.8.21.1 to read:

8.21.1 The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of radioactive materials, a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters replaced at least quarterly. After replacement, each personnel dosimeter must be promptly processed.

Revise existing R.61-63.8.21.3 to read:

8.21.3 The licensee shall retain records of personnel dosimeters and bioassay results for inspection until the Department authorizes disposition of the records.

Revise existing R.61-63.8.27.3.1 to read:

8.27.3.1 Notify the Department by telephone of the circumstances that resulted in the inability to retrieve the source and request approval to implement abandonment procedures; or that the licensee implemented abandonment before receiving Departmental approval because the licensee believed there was an immediate threat to public health and safety; and

Replace existing R.61-63.8.27.4.9 to read:

8.27.4.9 The immediate threat to public health and safety justification for implementing abandonment if prior Departmental approval was not obtained in accordance with RHA 8.27.3.1 of this section.

Renumber existing R.61-63.8.27.4.9 to 8.27.4.10:

8.27.4.10 Any other information (e.g. warning statement) contained on the permanent identification plaque; and

Renumber existing R.61-63.8.27.4.10 to 8.27.4.11:

8.27.4.11 State and Federal agencies receiving copy of this report.

Revise R.61-63.11.20.1 to read:

11.20.1 Irradiator operators shall wear a personnel dosimeter while operating a panoramic irradiator or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor must be accredited by the National Voluntary Laboratory Accreditation Program for high energy photons in the normal and accident dose ranges (see RHA 3.16.3). Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be processed at least monthly, and other personnel dosimeters must be processed at least quarterly.

Revise R.61-63.11.28.5 to read:

11.28.5 Evaluations of personnel dosimeters required by RHA 11.20 until the Department terminates the license.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A)

Purpose: To amend Regulation 61-63 in accordance with changes to Federal Regulation 10 CFR Part 20, 30, 31, 32, 34, 36, and 39.

Legal Authority: This change to state law is authorized by S.C. Code Section 13-7-40 and required by Section 274 of the Atomic Energy Act, 40 U.S.C. Section 2021b.

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Plan for Implementation: Existing staff of the Bureau of Radiological Health will implement these changes. The additional requirements are expected to require 30 man days of effort. Impact on other program areas will be slight.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION AND EXPECTED BENEFIT: This regulatory amendment is exempt from the requirements of a Fiscal Impact Statement or an Assessment Report because each change is necessary to maintain compatibility with Federal regulations. In amending the Federal regulations, the U.S. Nuclear Regulatory Commission found the following:

The regulation provides new requirements for certain generally licensed industrial devices containing radioactive material.

The regulation revises the criteria for respiratory protection and controls to restrict internal exposure.

The regulation provides new criteria concerning dosimetry technology.

The regulation provides for energy compensation sources for well logging and other regulatory clarifications for this part.

DETERMINATION OF COSTS AND BENEFITS: No additional cost will be incurred by the State or its political subdivisions by the implementation of this amendment. Existing staff and resources will be utilized to implement this amendment to the regulation. It is anticipated that the amendment will not create any significant additional cost to the regulated community based on the fact that the requirements or changes to the regulation will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: It is necessary to update existing regulations as changes occur at the federal level in order to maintain compatibility with the federal government and other Agreement States. This will ensure an effective regulatory program for radioactive material users under state jurisdiction, and protection of the public and workers from unnecessary exposure to ionizing radiation.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None. Federal requirements will apply to all affected users. The amendments eliminate possible duplicative or redundant requirements.

Document No 2782
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-55-10 et seq.

61-58. State Primary Drinking Water Regulations.

Synopsis:

The Department of Health and Environmental Control has amended R.61-58, State Primary Drinking Water Regulations. This amendment was adopted by the Board of Health and Environmental Control on November 14, 2002. These regulations were promulgated to comply with federal law, is exempt from legislative review, and take effect upon publication in the State Register on December 27, 2002.

The regulations include requirements promulgated under the National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring; Final Rule, and the Long

Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The Arsenic Rule establishes an enforceable Maximum Contaminant Level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L). Monitoring and reporting of arsenic applies to Community and Non-transient, Non-Community public water systems. The LT1ESWTR will improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water and addresses risk trade-offs with disinfection byproducts. The rule will require systems to meet strengthened filtration requirements as well as to calculate levels of microbial inactivation to ensure that microbial protection is not jeopardized if systems make changes to comply with disinfection requirements of the Stage 1 Disinfection and Disinfection Byproducts Rule (DBPR). The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons. The LT1ESWTR builds upon the framework established for systems serving a population of 10,000 or more in the Interim Enhanced Surface Water Treatment Rule (IESWTR). These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The final Arsenic Rule was published in the January 22, 2001, Federal Register [vol. 68, no. 14], with an effective date of January 22, 2004. The final LT1ESWTR was published in the January 14, 2002, Federal Register [vol. 67, no. 9], with an effective date of February 13, 2002. Other minor revisions will include, the addition of the Maximum Contaminant Level (MCL) for alachlor. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

Discussion of Revisions:

Tabular Summary of the revisions to the State Primary Drinking Water Regulations.

The 'Item' column is a short description of the proposed changes to the existing regulation. Reference should be made to the appropriate Section for complete changes:

Section	Item
61.58 Definitions	Revises definitions: "Comprehensive performance evaluation;" "Disinfection profile;" "Groundwater under the direct influence of surface water (GWUDI);" "Point-of-entry treatment device;" and "Point of use treatment device"
61-58.5(B)(2)(a)	Revises MCL for Arsenic
61-58.5(C)(1)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(7)(d)(ii)	Corrects scientific notations
61-58.5(C)(7)(e)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(9)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(9)(i)	Adds requirement for new source compliance after January 22, 2004
61-58.5(C)(10)(b)	Corrects scientific notations
61-58.5(C)(11)(b) & (c)	Corrects scientific notations
61-58.5(C)(12)(a)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(15)(a) & (b)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(15)(d)	Adds significant figures for rounding of sample results
61-58.5(C)(17)(a)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(17)(b)&(c)	Deletes references included in (17)(a)
61-58.5(C)(17)(d)&(e)	Renumbers as (b) and (c)

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61-58.5(D)(2)(b)	Adds Alachlor and renumbers remaining table
61-58.5(E)(7)(d)(ii), (iii) & (j)(iii)	Corrects scientific notations
61-58.5(E)(7)(k)(i) - (v)	Revise to include language on determining system violation
61-58.5(E)(7)(s)	Adds requirement for new source compliance after January 22, 2004
61-58.5(O)(2)(o) and (u)	Revise to include language determining system violation Adds requirements for establishing source water compliance after January 22, 2004
61-58.6(E)(2)(a)	Revises Table 1 on Tier 1 violations for turbidity & LT1ESWTR
61-58.6(E)(3)(b)(iii)	Revise to include LT1ESWTR Adds requirement for MCL and treatment technique violations
61-58.9(C)(8)(b) & (c)	Corrects references
61-58.9(F)	Adds BAT for Arsenic Adds new paragraph 3, small systems compliance technologies for Arsenic Renumbers existing paragraph 3 through 8 to 4 through 9
61-58.10(A)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(E)(1)(d)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(E)(4)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(H)	Revises title to include "Systems Serving 10,000 or More People"
61-58.10(H)(1)(c) & (d)	Adds monitoring requirements to establish a disinfection benchmark
61-58.10(H)(3)	Corrects scientific notations
61-58.10(I)	Adds new section entitled "Enhanced Filtration and Disinfection - Systems Serving Fewer Than 10,000 People"
61-58.10(J)	Previously 61-58.10(I)
61-58.11(G)	Corrects paragraph references
61-58.11(H)(4)(d)(ii), (iv) and (vi)	Deletes conditions for revising sampling period Corrects paragraph reference Deletes consideration for optional monitoring period
61-58.11(H)(7)	Revises procedure for requesting a waiver
61-58.12(C)(4)(d)(v)(C)	Revises reporting requirements for turbidity
61-58.12(D)(2)	Adds required health information for arsenic
61-58.12(D)(6)	Adds required health information for arsenic
Appendix A to R.61-58.6	Revises to include violations and other situations requirement public notice for Turbidity, IESWTR, and Arsenic
Appendix B to R.61-58.6	Revises to include Arsenic and LT1ESWTR
Appendix C to R.61-58.6	Revises to include new acronyms
Appendix D to R.61-58.12	Revises to include revised MCL for Arsenic

Instructions: Amend 61-58 pursuant to each individual instruction provided below.

Text of Amendment:

Replace the following Definition in 61-58.B, to read:

"Comprehensive performance evaluation (CPE)" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with R.61-58.10.H and (I), the comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Disinfection profile" is a summary of daily *Giardia lamblia* inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in R.61-58.10.H(3) (Disinfection profiling and bench marking) and in R.61-58.10.I(4) (Disinfection profile).

"Ground water under the direct influence of surface water (GWUDI)" means any water beneath the surface of the ground with (1) significant occurrence of insects or other microorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*, or (2) *Cryptosporidium*, or (3) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence shall be determined for individual sources in accordance with criteria established by the Department. The Department's determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

"Point-of-entry treatment device (POE)" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

"Point-of-use treatment device (POU)" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

Revise 61-58.5.B(2)(a) to read: (2)(b) through (o) remains unchanged)

(a) Arsenic	0.01**
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Add footnote to 61-58.B(2) to read:

**The MCL for arsenic is 0.05 milligrams per liter (mg/l) for all public water systems until January 23, 2006.

Revise 61-58.5.C(1) to read:

(1) The monitoring requirements for inorganic contaminants specified in Section B (2)(b), (c), (d), (e), (g), (k), (l), (m), (n), and (o) above apply to community water systems and non-transient non-community water systems. The monitoring requirements for inorganic contaminants specified in Section B (2)(a) and (f) above only apply to community water systems. Beginning January 22, 2004, the monitoring requirements for the inorganic contaminant specified in Section B (2)(a) above will apply to community water systems and non-transient, non-community water systems. The monitoring required for inorganic contaminants specified in Section B (2)(h), (i) and (j) above apply to community, non-transient non-community and transient non-community water systems.

Revise 61-58.5.C(7)(d)(ii) to read:

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(ii) If the population served by the system is greater than 3,300 persons, then compositing may only be permitted by the Department at sampling points within a single system. In systems serving 3,300 persons or less, the Department may permit compositing among different systems provided the 5-sample limit is maintained.

Revise 61-58.5.C(7)(e) to read:

(e) The frequency of monitoring for asbestos shall be in accordance with paragraph (8) of this section; the frequency of monitoring for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium and thallium shall be in accordance with paragraph (9) of this section; the frequency of monitoring for nitrate shall be in accordance with paragraph (10) of this section; and the frequency of monitoring for nitrite shall be in accordance with paragraph (11) of this section.

Revise 61-58.5.C(9) to read:

(9) The frequency of monitoring conducted to determine compliance with the maximum contaminant levels in Section B(2) above for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium shall be as follows:

Add 61-58.5.C(9)(i) to read:

(i) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the Department. The system must also comply with the initial sampling frequencies specified by the Department to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

Revise 61-58.5.C(10)(b) to read:

(b) For community and non-transient, non-community water systems, the repeat monitoring frequency for ground water systems shall be quarterly for at least one year following any one sample in which the concentration is 50 percent or more of the MCL. The Department may allow a groundwater system to reduce the sampling frequency to annually after four consecutive quarterly samples are reliably and consistently less than the MCL.

Revise 61-58.5.C(11)(b) to read:

(b) After the initial sample, systems where an analytical result for nitrite is less than 50 percent of the MCL shall monitor at the frequency specified by the Department.

Revise 61-58.5.C.11(c) to read:

(c) For community, non-transient, non-community, and transient non-community water systems, the repeat monitoring frequency for any water system shall be quarterly for at least one year following any one sample in which the concentration is 50 percent or more of the MCL. The Department may allow a system to reduce the sampling frequency to annually after determining the system is reliably and consistently less than the MCL.

Revise 61-58.5.C.12(a) to read:

(a) Where the results of sampling for asbestos, antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium indicate an exceedance of the maximum

contaminant level, the Department may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point.

Revise 61-58.5.C.15(a) and (b) to read, (c) remains unchanged:

(a) For systems which are conducting monitoring at a frequency greater than annual, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium is determined by a running annual average at any sampling point. If the average at any sampling point is greater than the MCL, then the system is out of compliance. If any one sample would cause the annual average to be exceeded, then the system is out of compliance immediately. Any sample below the method detection limit shall be calculated at zero for the purpose of determining the annual average. If a system fails to collect the required number of samples, compliance (average concentration) will be based on the total number of samples collected.

(b) For systems which are monitoring annually, or less frequently, the system is out of compliance with the maximum contaminant levels for arsenic, asbestos, antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury nickel, selenium or thallium if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Department, the determination of compliance will be based on the average of the two samples.

Add 61-58.5.C(15)(d) to read:

(d) Arsenic sampling results will be reported to the nearest 0.001 mg/L.

Revise 61-58.5.C(17)(a) to read:

(a) Analysis for antimony, arsenic, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium shall be conducted using EPA-approved methods listed in 40 CFR 141.

Delete 61-58.5.C(17)(b) and (c):

Renumber 61-58.5.C(17)(d) and (e) to (b) and (c) and revise to read:

(b) Sample collection for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium under this section shall be conducted using EPA-approved methods listed in 40 CFR 141.

(c) Analysis under this section shall only be conducted by laboratories that have been certified by the Department.

Replace 61-58.5.D(2) to read:

(2) The maximum contaminant levels for organic chemicals are as follows:

	Contaminant	Level, mg/l
(a)	Reserved	
(b)(i)	Alachlor	0.002
(ii)	Atrazine	0.003
(iii)	Carbofuran	0.04
(iv)	Chlordane	0.002

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(v)	Dibromochloropropane	0.0002
(vi)	2,4-D	0.07
(vii)	Ethylene dibromide (EDB)	0.00005
(viii)	Heptachlor	0.0004
(ix)	Heptachlor epoxide	0.0002
(x)	Lindane	0.0002
(xi)	Methoxychlor	0.04
(xii)	Polychlorinated biphenyls(PCBs)	0.0005
(xiii)	Pentachlorophenol	0.001
(xiv)	Toxaphene	0.003
(xv)	2,4,5-TP	0.05
(xvi)	Benzo[a]pyrene	0.0002
(xvii)	Dalapon	0.2
(xviii)	Di(2-ethylhexyl)adipate	0.4
(xvix)	Di(2-ethylhexyl)phthalate	0.006
(xx)	Dinoseb	0.007
(xxi)	Diquat	0.02
(xxii)	Endothall	0.1
(xxiii)	Endrin	0.002
(xxiv)	Glyphosate	0.7
(xxv)	Hexachlorobenzene	0.001
(xxvi)	Hexachlorocyclopentadiene	0.05
(xxvii)	Oxamyl (vydate)	0.2
(xxviii)	Picloram	0.5
(xxvix)	Simazine	0.004
(xxx)	2,3,7,8-TCDD (Dioxin)	3 X 10 ⁻⁸

Revise 61-58.5.E(7)(d)(ii) and (iii) to read:

(ii) Systems serving more than 3,300 persons which do not detect a contaminant in the initial compliance period, may reduce the sampling frequency to a minimum of two quarterly samples in one year during each repeat compliance period.

(iii) Systems serving 3,300 persons or less which do not detect a contaminant in the initial compliance period may reduce the sampling frequency to a minimum of one sample during each repeat compliance period.

Revise 61-58.5.E(7)(j)(iii) to read:

(iii) If the population served by the system is more than 3,300 persons, then compositing may only be permitted by the Department at sampling points within a single system. In systems serving 3,300 persons or less, the Department may permit compositing among different systems provided the 5-sample limit is maintained.

Revise 61-58.5.E(7)(k)(i) through (v) to read:

(k) Compliance with Section D(2)(b) above, shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

(i) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

(ii) Systems monitoring annually or less frequently whose sample result exceeds the regulatory detection level as defined by paragraph (7)(r) of this section must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

(iii) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

(iv) If a system fails to collect the required number of samples, compliance will be based on the total number of samples collected.

(v) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

Add 61-58.5.E(7)(s) to read:

(s) All new systems or systems that used a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the Department. The system must also comply with the initial sampling frequencies specified by the Department to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

Replace 61-58.5.O(2)(o)(i) through (v) to read:

(o) Compliance with Section N(2) above, shall be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

(i) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

(ii) Systems monitoring annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

(iii) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the system is out of compliance with the MCL immediately.

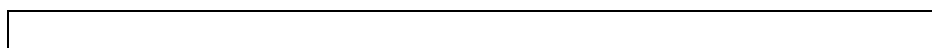
(iv) If a system fails to collect the required number of samples., compliance will be based on the total number of samples collected.

(v) If a sample result is less than the detection limit, zero will be used to calculate the annual average.
Add 61-58.5.O(2)(u) to read:

(u) All new systems or systems that use a new source of water that begin operation after January 22, 2004 must demonstrate compliance with the MCL within a period of time specified by the Department. The system must also comply with the initial sampling frequencies specified by the Department to ensure a system can demonstrate compliance with the MCL. Routine and increased monitoring frequencies shall be conducted in accordance with the requirements in this section.

Replace Table 1 in 61-58.6.E.(2)(a) to read:

(2)(a) **TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE**



- (1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in R.61-58.5.F(2)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in R.61-58.5.G (5));
- (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in R.61-58.5.B, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in R.61-58.5.C(12)b);
- (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the Department under R.61-58.5.B(3), as required under paragraph (9) of this section;
- (4) Violation of the MRDL for chlorine dioxide, as defined in R.61-58.5.Q(1), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in R.61-58.13.D(3)(b)(i);
- (5) Violation of the turbidity MCL under R.61-58.10(C), (E), (H), or (I), where the Department determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;
- (6) Violation of the Surface Water Treatment Rule (SWTR), ~~or~~ Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1EWSTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix D to this regulation), where the Department determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation;
- (7) Occurrence of a waterborne disease outbreak, as defined in R.61-58(B)(156), or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);
- (8) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department either in its regulations or on a case-by-case basis.

Revise 61-58.6.E.(3)(b)(iii) to read:

(iii) For the turbidity violations specified in this paragraph, public water systems must consult with the Department as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under paragraph (2)(a) of this section is required to protect public health. When consultation does not take place within the twenty-four (24) hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (i.e., no later than

forty-eight (48) hours after the system learns of the violation), following the requirements under paragraphs (b) and (c) of this section. Consultation with the Department is required for:

(A) Violation of the turbidity MCL under R.61-58.10(C), (E), (H), or (I); or

(B) Violation of the SWTR, IESWTR or LT1ESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

Revise 61-58.9.C.(8)(b) and (c) to read:

(b) Public water systems that use bottled water as a condition of obtaining an exemption from the requirements of R.61-58.5.B(2), D(2)(b) and N must meet the requirements set out in R.61-58.9.F(8).

(c) Public water systems that use point-of-use or point-of-entry devices as a condition for receiving an exemption must meet the requirements of R.61-58.9.F(9).

Replace 61-58.9.F(2) to read:

(2) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the inorganic contaminants listed in R.61-58.5(B)(2), except fluoride:

<u>CHEMICAL NAME</u>	<u>BAT(S)</u>
Antimony	2,7
Arsenic ⁴	1, 2, 5, 6, 7, 9, 12 ⁵
Asbestos	2,3,8
Barium	5,6,7,9
Beryllium	1,2,5,6,7
Cadmium	2,5,6,7
Chromium	2,5,6 ² ,7
Cyanide	5,7,10
Mercury	2 ¹ ,4,6 ¹ ,7 ¹
Nickel	5,6,7
Nitrate	5,7,9
Nitrite	5,7
Selenium	1,2 ³ ,6,7,9
Thallium	1,5

¹ BAT only if influent Hg concentrations <10 µg/L.

² BAT for Chromium III only.

³ BAT for Selenium IV only.

⁴ BATs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V

⁵ To obtain high removals, iron to arsenic ratio must be at least 20:1.

Key to BATs in Table

1 = Activated Alumina

2 = Coagulation/Filtration (not BAT for systems < serving less than 500 service connections

3 = Direct and Diatomite Filtration

4 = Granular Activated Carbon

5 = Ion Exchange

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- 6 = Lime (not less than 500 service connections) BAT for systems softening
- 7 = Reverse Osmosis
- 8 = Corrosion Control
- 9 = Electrodialysis
- 10 = Chlorine
- 11 = Ultraviolet
- 12 = Oxidation/Filtration

Add new 61-58.6(E)(3) and renumber existing (3) through (8) as (4) through (9):

(3) The Department identifies in the following table the affordable technology, treatment technique, or other means available to systems serving 10,000 persons or fewer for achieving compliance with the maximum contaminant level for arsenic:

SMALL SYSTEM COMPLIANCE TECHNOLOGIES (SSCTS)¹ FOR ARSENIC²

Small system compliance technology	Affordable for listed small system categories ³
Activated Alumina (centralized).....	All size categories
Activated Alumina (Point-of-Use) ⁴	All size categories
Coagulation/Filtration ⁵	501-3,300, 3,301-10,000
Coagulation-assisted Microfiltration.....	501-3,300, 3,301-10,000
Electrodialysis reversal ⁶	501-3,300, 3,301-10,000
Enhanced coagulation/filtration.....	All size categories
Enhanced lime softening (pH> 10.5).....	All size categories
Ion Exchange.....	All size categories
Lime Softening ⁵	501-3,300, 3,301-10,000.
Oxidation/Filtration ⁷	All size categories
Reverse Osmosis (centralized) ⁶	501-3,300, 3,301-10,000
Reverse Osmosis (Point-of-Use) ⁴	All size categories

¹ Section 1412(b)(4)(E)(ii) of SDWA specifies that SSCTs must be affordable and technically feasible for small systems.

² SSCTs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.

³ The Act (ibid.) specifies three categories of small systems: (i) those serving 25 or more, but fewer than 501, (ii) those serving more than 500, but fewer than 3,301, and (iii) those serving more than 3,300, but fewer than 10,001.

⁴ When POU or POE devices are used for compliance, programs to ensure proper long-term operation, maintenance, and monitoring must be provided by the water system to ensure adequate performance.

⁵ Unlikely to be installed solely for arsenic removal. May require pH adjustment to optimal range if high removals are needed.

⁶ Technologies reject a large volume of water--may not be appropriate for areas where water quantity may be an issue.

⁷ To obtain high removals, iron to arsenic ratio must be at least 20:1.

Revise 61-58.10.A.(2) to read:

(2) The requirements of R.61-58.10.B through R61-58.10.G apply to all public water systems supplied by a surface water source and all public water systems supplied by a ground water source under the direct influence of surface water. In addition to these requirements, all public water systems supplied by a surface water source or a ground water source under the direct influence of surface water which serve at least 10,000 people must also comply with R.61-58.10.H and for all public water systems supplied by a surface water

source or a groundwater source under the direct influence of surface water which serve fewer than 10,000 people must also comply with R.61-58.10.I.

Add 61-58.10.E(1)(d) to read:

(d) Beginning January 14, 2005, systems serving fewer than 10,000 people must meet the turbidity requirements in Section I(6) below.

Revise 61-58.10.E.(4) to read:

(4) Other filtration technologies.

A public water system may use a filtration technology not listed in paragraphs (1) through (3) of this section if it demonstrates to the Department, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section D(2), above, consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses. For a system that makes this demonstration, the requirements of paragraph (2) of this section apply. Beginning January 1, 2002, systems serving at least 10,000 people must meet the requirements for other filtration technologies in R.61-58.10.H(4)(b). Beginning January 14, 2005, systems serving fewer than 10,000 people must meet the requirements for other filtration technologies in Section I(6) below.

Revise Section Title 61-58.10.H to read:

H. Enhanced Filtration and Disinfection - Systems Serving 10,000 or More People-

Add 61-58.10.H(1)(c) and (d) to read:

(c) Systems are not permitted to begin construction of uncovered finished water storage facilities beginning February, 16, 1999.

(d) Systems with a surface water source or a ground water source under the direct influence of surface water that did not conduct optional monitoring under Section H(3) because they served fewer than 10,000 persons when such monitoring was required, but served at least 10,000 persons prior to January 14, 2005 must comply with Section H. These systems must also consult with the Department to establish a disinfection benchmark. A system that decides to make a significant change to its disinfection practice, as described in Section H(3)(c)(i) must consult with the Department prior to making such change.

Revise 61-58-10.H.(3)(a) to read:

(3)(a) Using data gathered from monitoring conducted by the Department during the time period of January 1, 1999 through March 1, 2000, any system having either a TTHM annual average greater than or equal to 0.064 mg/L or an HAA5 annual average greater than or equal to 0.048 mg/L during this period must comply with paragraph (3)(b) of this section.

Revise 61-58-10.H.(3)(b)(ii) to read:

(ii) The system must monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT_{99.9} values in Tables 1.1 - 1.6, 2.1, and 3.1 of R.61-58.10.F(2), as appropriate, through the entire treatment plant. This system must begin this monitoring not later than March 16, 2000. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring in paragraphs (3)(b)(ii) (A)

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through (D) of this section. A system with more than one point of disinfectant application must conduct the monitoring in paragraphs (3)(b)(i) through (iv) of this section for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using EPA approved analytical methods specified in 40 CFR 141, as follows:

Revise 61-58-10.H.(3)(b)(v) to read:

(v) If the system uses more than one point of disinfectant application before the first customer, the system must determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The $(CT_{calc}/CT_{99.9})$ value of each segment and $(\sum (CT_{calc}/CT_{99.9}))$ must be calculated using the method in paragraph (3)(b)(iv) of this section.

Renumber existing 61-58.10.I Recycle Provisions to read:

61-58.J Recycle Provisions.

Add new Section 61-58.10.I to read:

I. Enhanced Filtration and Disinfection - Systems Serving Fewer Than 10,000 People.

(1) General Requirements

(a) The requirements of this regulation constitute national primary drinking water regulations. These regulations establish requirements for filtration and disinfection that are in addition to criteria under which filtration and disinfection are required for systems with surface water sources or ground water sources under the influence of surface water. This regulation establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium* and turbidity. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

(i) At least 99 percent (2 log) removal of *Cryptosporidium* between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or *Cryptosporidium* control under the watershed control plan for unfiltered systems; and

(ii) Compliance with the profiling and benchmark requirements in paragraphs (4) and (5) of this section.

(b) Who is subject to the requirements of this section? - You are subject to these requirements if your system:

(i) Is a public water system;

(ii) Uses surface water or GWUDI as a source; and

(iii) Serves fewer than 10,000 persons.

(c) When must my system comply with these requirements? - You must comply with these requirements in this regulation beginning January 14, 2005 except where otherwise noted.

(d) What does this regulation require? - There are seven (7) requirements of this subpart, and you must comply with all requirements that are applicable to your system. These requirements are:

(i) You must cover any finished water reservoir that you began to construct on or after March 15, 2002 as described in paragraph (2) of this section;

(ii) If your system is an unfiltered system, you must comply with the updated watershed control requirements described in paragraph (3) of this section;

(iii) If your system is a community or non-transient non-community water systems you must develop a disinfection profile as described in paragraph (4) of this section;

(iv) If your system is considering making a significant change to its disinfection practices, you must develop a disinfection benchmark and consult with the Department for approval of the change as described in paragraph (5) of this section;

(v) If your system is a filtered system, you must comply with the combined filter effluent requirements as described in paragraph (6) of this section;

(vi) If your system is a filtered system that uses conventional or direct filtration, you must comply with the individual filter turbidity requirements as described in paragraph (7) of this section; and,

(vii) You must comply with the applicable reporting and recordkeeping requirements as described in paragraph (8) of this section.

(2) Finished Water Reservoirs

(a) Is my system subject to the new finished water reservoir requirements? - All surface water systems and ground water systems under the direct influence of surface water which serve fewer than 10,000 people are subject to this requirement.

(b) What is required of new finished water reservoirs? - If your system begins construction of a finished water reservoir on or after March 15, 2002 the reservoir must be covered. Finished water reservoirs for which your system began construction prior to March 15, 2002 are not subject to this requirement.

(3) Additional Watershed Control Requirements for Unfiltered Systems

(a) Is my system subject to the updated watershed control requirements? - If you are a surface water system or a ground water system under the direct influence of surface water serving fewer than 10,000 persons which does not provide filtration, you must continue to comply with all of the filtration avoidance criteria in Section C, as well as the additional watershed control requirements in paragraph (3)(b) of this section.

(b) What updated watershed control requirements must my unfiltered system implement to continue to avoid filtration? - Your system must take any additional steps necessary to minimize the potential for contamination by *Cryptosporidium* oocysts in the source water. Your system's watershed control program must, for *Cryptosporidium*:

(i) Identify watershed characteristics and activities which may have an adverse effect on source water quality; and

(ii) Monitor the occurrence of activities which may have an adverse effect on source water quality.

(c) How does the Department determine whether my system's watershed control requirements are adequate? - During an onsite inspection conducted under the provisions of Section C(2)(c), the Department must determine whether your watershed control program is adequate to limit potential contamination by

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Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of your program to monitor and control detrimental activities occurring in the watershed; and the extent to which your system has maximized land ownership and/or controlled land use within the watershed.

(4) Disinfection Profile

(a) What is a Disinfection Profile and who must develop one? - A disinfection profile is a graphical representation of your system's level of *Giardia lamblia* or virus inactivation measured during the course of a year. If you are a surface water system or a ground water system under the direct influence of surface water which serves fewer than 10,000 persons, your system must develop a disinfection profile unless the Department determines that your system's profile is unnecessary. The Department may approve the use of a more representative data set for disinfection profiling than the data set required under paragraph (4) (c) through (f) of this section.

(b) What criteria must the Department use to determine that a profile is unnecessary? - The Department may only determine that a system's profile is unnecessary if a system's TTHM and HAA5 levels are below 0.064 mg/L and 0.048 mg/L, respectively. To determine these levels, TTHM and HAA5 samples must be collected after January 1, 1998, during the month with the warmest water temperature, and at the point of maximum residence time in your distribution system.

(c) How does my system develop a Disinfection Profile and when must it begin? - A disinfection profile consists of three steps:

(i) First, your system must collect data for several parameters from the plant as discussed in paragraph (4)(d) of this section, over the course of twelve (12) months. If your system serves between 500 and 9,999 persons you must begin to collect data no later than July 1, 2003. If your system serves fewer than 500 persons you must begin to collect data no later than January 1, 2004.

(ii) Second, your system must use this data to calculate weekly log inactivation as discussed in paragraphs (4)(e) and (f) of this section.

(iii) Third, your system must use these weekly log inactivations to develop a disinfection profile as specified in paragraph (4)(g) of this section.

(d) What data must my system collect to calculate a Disinfection Profile? - Your system must monitor the following parameters to determine the total log inactivation using the analytical methods in Section F, once per week on the same calendar day, over twelve (12) consecutive months:

(i) The temperature of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

(ii) If your system uses chlorine, the pH of the disinfected water at each residual disinfectant concentration sampling point during peak hourly flow;

(iii) The disinfectant contact time(s) ('T') during peak hourly flow; and

(iv) The residual disinfectant concentration(s) ('C') of the water before or at the first customer and prior to each additional point of disinfection during peak hourly flow.

(e) How does my system use this data to calculate an inactivation ratio? - Calculate the total inactivation ratio as follows, and multiply the value by 3.0 to determine log inactivation of *Giardia lamblia*:

If your system * * *	Your system must determine * * *
<p>(a) Uses only one point of disinfectant application.....</p> <p>(b) Uses more than one point of disinfectant application before the first customer.....</p>	<p>(1) One inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow or (2) Successive $CT_{calc}/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, your system must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99.9}$) for each sequence and then adding the ($CT_{calc}/CT_{99.9}$) values together to determine ($3CT_{calc}/CT_{99.9}$).</p> <p>The ($CT_{calc}/CT_{99.9}$) value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow using the procedure specified in paragraph (a)(2) of this section.</p>

(f) What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection? - If your system uses chloramines, ozone, or chlorine dioxide for primary disinfection, you must also calculate the logs of inactivation for viruses and develop an additional disinfection profile for viruses using methods approved by the Department.

(g) My system has developed an inactivation ratio; what must we do now? - Each log inactivation serves as a data point in your disinfection profile. Your system will have obtained fifty-two (52) measurements (one (1) for every week of the year). This will allow your system and the Department the opportunity to evaluate how microbial inactivation varied over the course of the year by looking at all fifty-two (52) measurements (your Disinfection Profile). Your system must retain the Disinfection Profile data in graphic form, such as a spreadsheet, which must be available for review by the Department as part of a sanitary survey. Your system must use this data to calculate a benchmark if you are considering changes to disinfection practices.

(5) Disinfection Benchmark

(a) Who has to develop a Disinfection Benchmark? - If you are a surface water system or a ground water system under the direct influence of surface water you are required to develop a disinfection profile under paragraphs (4)(a) through (g) of this section. Your system must develop a Disinfection Benchmark if you decide to make a significant change to your disinfection practice. Your system must consult with the Department for approval before you can implement a significant disinfection practice change.

(b) What are significant changes to disinfection practice? - Significant changes to disinfection practice include:

- (i) Changes to the point of disinfection;
- (ii) Changes to the disinfectant(s) used in the treatment plant;
- (iii) Changes to the disinfection process; or
- (iv) Any other modification identified by the Department.

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(c) What must my system do if we are considering a significant change to disinfection practices? - If your system is considering a significant change to its disinfection practice, your system must calculate a disinfection benchmark(s) as described in paragraphs (5)(c) and (d) of this section, and provide the benchmark(s) to the Department. Your system may only make a significant disinfection practice change after consulting with the Department for approval. Your system must submit the following information to the Department as part of the consultation and approval process:

- (i) A description of the proposed change;
- (ii) The disinfection profile for *Giardia lamblia* (and, if necessary, viruses) and disinfection benchmark;
- (iii) An analysis of how the proposed change will affect the current levels of disinfection; and
- (iv) Any additional information requested by the Department.

(d) How is the Disinfection Benchmark calculated? - If your system is making a significant change to its disinfection practice, it must calculate a disinfection benchmark using the procedure specified in the following table.

To calculate a disinfection benchmark your system must perform the following steps
--

Step 1: Using the data your system collected to develop the Disinfection Profile, determine the average <i>Giardia lamblia</i> inactivation for each calendar month by dividing the sum of all <i>Giardia lamblia</i> inactivations for that month by the number of values calculated for that month. Step 2: Determine the lowest monthly average value out of the twelve (12) values. This value becomes the disinfection benchmark.

(e) What if my system uses chloramines, ozone, or chlorine dioxide for primary disinfection? - If your system uses chloramines, ozone or chlorine dioxide for primary disinfection your system must calculate the disinfection benchmark from the data your system collected for viruses to develop the disinfection profile in addition to the *Giardia lamblia* disinfection benchmark calculated under paragraph (5)(d) of this section. This viral benchmark must be calculated in the same manner used to calculate the *Giardia lamblia* disinfection benchmark in paragraph (5)(d) of this section.

(6) Combined Filter Effluent Requirements

(a) Is my system required to meet this regulation's combined filter effluent turbidity limits? - All surface water systems and ground water systems under the direct influence of surface water which serve populations fewer than 10,000, and that utilize filtration other than slow sand filtration or diatomaceous earth filtration, must meet the combined filter effluent turbidity requirements of paragraphs (6)(b) through (d) of this section. If your system uses slow sand or diatomaceous earth filtration you are not required to meet the combined filter effluent turbidity limits of this regulation, but you must continue to meet the combined filter effluent turbidity limits in Section E.

(b) What strengthened combined filter effluent turbidity limits must my system meet? - Your system must meet two strengthened combined filter effluent turbidity limits.

(i) The first combined filter effluent turbidity limit is a "95th percentile" turbidity limit that your system must meet in at least ninety (95) percent of the turbidity measurements taken each month. Measurements must continue to be taken as described in Section F(1) and (3). Monthly reporting must be completed according to paragraph (8) of this section. The following table describes the required limits for specific filtration technologies.

If your system consists of * * *	Your 95th percentile turbidity value is * * *
(1) Conventional Filtration or Direct Filtration.....	0.3 NTU
(2) All other 'Alternative' Filtration.....	A value determined by the Department (not to exceed 1 NTU) based on the demonstration described in paragraph (6)(c) of this section.

(ii) The second combined filter effluent turbidity limit is a "maximum" turbidity limit which your system may at no time exceed during the month. Measurements must continue to be taken as described in Sections F(1) and C. Monthly reporting must be completed according to paragraph (8) of this section.. The following table describes the required limits for specific filtration technologies.

If your system consists of * * *	Your maximum turbidity value is * * *
(1) Conventional Filtration or Direct Filtration.	1 NTU
(2) All other 'Alternative' Filtration.....	A value determined by the Department (not to exceed 5 NTU) based on the demonstration as described in paragraph (6)(c) of this section.

(c) My system consists of "alternative filtration" and is required to conduct a demonstration--what is required of my system and how does the Department establish my turbidity limits?-

(i) If your system consists of alternative filtration (filtration other than slow sand filtration, diatomaceous earth filtration, conventional filtration, or direct filtration) you are required to conduct a demonstration (see tables in paragraph (6)(b) of this section). Your system must demonstrate to the Department, using pilot plant studies or other means, that your system's filtration, in combination with disinfection treatment, consistently achieves:

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- (A) 99 percent removal of Cryptosporidium oocysts;
- (B) 99.9 percent removal and/or inactivation of Giardia lamblia cysts; and
- (C) 99.99 percent removal and/or inactivation of viruses.

(ii) [Reserved]

(d) My system practices lime softening--is there any special provision regarding my combined filter effluent? - If your system practices lime softening, you may acidify representative combined filter effluent turbidity samples prior to analysis using a protocol approved by the Department.

(7) Individual Filter Turbidity Requirements

(a) Is my system subject to individual filter turbidity requirements? - If your system is a surface water system or a ground water system under the direct influence of surface water serving fewer than 10,000 people and utilizing conventional filtration or direct filtration, you must conduct continuous monitoring of turbidity for each individual filter at your system. The following requirements apply to continuous turbidity monitoring:

- (i) Monitoring must be conducted using an approved method in Section F(1);
- (ii) Calibration of turbidimeters must be conducted using procedures specified by the manufacturer;
- (iii) Results of turbidity monitoring must be recorded at least every fifteen (15) minutes;
- (iv) Monthly reporting must be completed according to paragraph (8) of this section; and
- (v) Records must be maintained according to paragraph (8)(b) of this section.

(b) What happens if my system's turbidity monitoring equipment fails? - If there is a failure in the continuous turbidity monitoring equipment, your system must conduct grab sampling every four hours in lieu of continuous monitoring until the turbidimeter is back on-line. Your system has fourteen (14) days to resume continuous monitoring before a violation is incurred.

(c) My system only has two or fewer filters--is there any special provision regarding individual filter turbidity monitoring? - Yes, if your system only consists of two (2) or fewer filters, you may conduct continuous monitoring of combined filter effluent turbidity in lieu of individual filter effluent turbidity monitoring. Continuous monitoring must meet the same requirements set forth in paragraphs (7)(a) through (d) of this section.

(d) What follow-up action is my system required to take based on continuous turbidity monitoring? - Follow-up action is required according to the following tables:

If * * *	Your system must * * *
(a) The turbidity of an individual filter (or the turbidity of combined filter effluent (CFE) for systems with 2 filters that monitor CFE in lieu of individual filters) exceeds 1.0 NTU in two consecutive recordings 15 minutes apart.	Report to the Department by the 10th of the following month and include the filter number(s), corresponding date(s), turbidity value(s) which exceeded 1.0 NTU, and the cause (if known) for the exceedance(s).

If a system was required to report to the Department * * *	Your system must * * *
(b) For three months in a row and turbidity exceeded 1.0 NTU in two consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters).	Conduct a self-assessment of the filter(s) within 14 days of the day the filter exceeded 1.0 NTU in two consecutive measurements for the third straight month unless a CPE as specified in paragraph (c) of this section was required. Systems with 2 filters that monitor CFE in lieu of individual filters must conduct a self-assessment on both filters. The self-assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report. If a self-assessment is required, the date that it was triggered and the date that it was completed must be included in the report.
(c) For two months in a row and turbidity exceeded 2.0 NTU in 2 consecutive recordings 15 minutes apart at the same filter (or CFE for systems with 2 filters that monitor CFE in lieu of individual filters).	Arrange to have a comprehensive performance evaluation (CPE) conducted by the Department or a third party approved by the Department not later than 60 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month. If a CPE has been completed by the Department or a third party approved by the Department within the 12 prior months or the system and the Department are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required. If conducted, a CPE must be completed and submitted to the Department no later than 120 days following the day the filter exceeded 2.0 NTU in two consecutive measurements for the second straight month.

(e) My system practices lime softening--is there any special provision regarding my individual filter turbidity monitoring? - If your system utilizes lime softening, you may apply to the Department for alternative turbidity exceedance levels for the levels specified in the table in paragraph (7)(d) of this section. You must be able to demonstrate to the Department that higher turbidity levels are due to lime carryover only, and not due to degraded filter performance.

(8) Reporting and Recordkeeping Requirements

(a) What does this section require that my system report to the Department? - This section requires your system to report several items to the Department. The following table describes the items which must be reported and the frequency of reporting. Your system is required to report the information described in the following table, if it is subject to the specific requirement shown in the first column.

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Corresponding requirement	Description of information to report	Frequency
<p>(a) Combined Filter Effluent Requirements. (paragraphs (6)(a) through (d) of this section).</p> <p>(b) Individual Turbidity Requirements. (paragraph (7)(a) through (e) of this section).</p> <p>(c) Disinfection Profiling.... (paragraphs (4)(a) through (g) of this section)</p> <p>(d) Disinfection Benchmarking (paragraph</p>	<p>(1) The total number of filtered water turbidity measurements taken during the month.</p> <p>(2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to your system's required 95th percentile limit.</p> <p>(3) The date and value of any turbidity measurements taken during the month which exceed the maximum turbidity value for your filtration system.</p> <p>(1) That your system conducted individual filter turbidity monitoring during the month.</p> <p>(2) The filter number(s), corresponding date(s), and the turbidity value(s) which exceeded 1.0 NTU during the month, but only if 2 consecutive measurements exceeded 1.0 NTU.</p> <p>(3) If a self-assessment is required, the date that it was triggered and the date that it was completed.</p> <p>(4) If a CPE is required, that the CPE is required and the date that it was triggered.</p> <p>(5) Copy of completed CPE report.....</p> <p>(1) Results of optional monitoring which show TTHM levels 0.064 mg/L and HAA5 levels 0.048 mg/L (Only if your system wishes to forgo profiling) or that your system has begun disinfection profiling.</p> <p>(1) A description of the proposed change in disinfection, your system's disinfection</p>	<p>By the 10th of the following month.</p> <p>By the 10th of the following month.</p> <p>By the 10th of the following month</p> <p>By the 10th of the following month.</p> <p>By the 10th of the following month.</p> <p>By the 10th of the following month (or 14 days after the self-assessment was triggered only if the self-assessment was triggered during the last four days of the month)</p> <p>By the 10th of the following month.</p> <p>Within 120 days after the CPE was triggered.</p> <p>(i) For systems serving 500-9,999 by July 1, 2003; (ii) For systems serving fewer than 500 by January 1, 2004.</p> <p>Anytime your system is</p>

(5)(a) through (e) of this section)	profile for Giardia lamblia (and, if necessary, viruses) and disinfection benchmark, and an analysis of how the proposed change will affect the current levels of disinfection.	considering a significant change to its disinfection practice.
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(b) What records does this regulation require my system to keep? - Your system must keep several types of records based on the requirements of this regulation, in addition to recordkeeping requirements under Section G. The following table describes the necessary records, the length of time these records must be kept, and for which requirement the records pertain. Your system is required to maintain records described in this table, if it is subject to the specific requirement shown in the first column.

Corresponding requirement	Description of necessary records	Duration of time records must be kept
(a) Individual Filter Turbidity Requirements (paragraphs (7)(a) through (e) of this section)	Results of individual filter monitoring.....	At least 3 years.
(b) Disinfection Profiling..... (paragraphs (4)(a) through (g) of this section)	Results of Profile (including raw data and analysis).....	Indefinitely.
(c) Disinfection Benchmarking..... (paragraphs (5)(a) through (e) of this section)	Benchmark (including raw data and analysis).....	Indefinitely.

Revise 61-58.11.G (1)(a) to read:

(a) Community water systems. A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the Department, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (1)(a)(iv)(B)(5) and (1)(a)(iv)(D)(2) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the Department. Systems may also continue to utilize pre-printed materials that meet the public education language requirements in this section. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by laypersons.

Revise 61-58.11.H(4)(d)(ii) to read:

(ii) Any water system that maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above, during each of two (2) consecutive six (6) month monitoring periods may reduce the frequency of monitoring to once per year and to reduce the number of lead and copper samples in accordance with paragraph (3) of this section if it receives written approval from the Department. The Department shall review monitoring, treatment, and

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other relevant information submitted by the water system in accordance with Section L below, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Department shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Revise 61-58.11.H(4)(d)(iv) to read:

(iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in paragraph (1) of this section. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September

Delete 61-58.11.H(4)(d)(iv)(A) and (B):

Revise 61-58.11.H(4)(d)(vi)(A) to read:

(A) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall resume sampling in accordance with paragraph (4)(c) of this section and collect the number of samples specified for standard monitoring under paragraph (3) of this section. Such a system shall also conduct water quality parameter monitoring in accordance with Section I(2), (3) or (4) below (as appropriate), during the monitoring period in which it exceeded the action level. Any such system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (3) of this section after it has completed two subsequent consecutive six-month rounds of monitoring that meet the criteria of paragraph (4)(d)(i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (4)(d)(iii) or (4)(d)(v) of this section.

Revise 61-58.11.H(4)(d)(vi)(B) to read:

(B) Any water system subject to the reduced monitoring frequency that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Department under Section D(6) above, for more than nine days in any six-month period specified in Section I(4) below, shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (4)(c) of this section, collect the number of samples specified for standard monitoring under paragraph (3) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with Section I(4) below. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

Revise 61-58.11.H(4)(d)(vi)(B)(3) to read:

(3) The system may reduce the number of water quality parameter tap water samples required in accordance with Section I(5)(a) below, and the frequency with which it collects such samples in accordance with Section I(5)(b) below. Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section I(5)(b) below, that it has re-qualified for triennial monitoring.

Revise 61-58.11.H(4)(d)(vii) to read:

(vii) Any water system subject to a reduced monitoring frequency under paragraph (4)(d) of this section that either adds a new source of water or changes any water treatment shall inform the Department in writing in accordance with Section L(1)(c) below. The Department may require the system to resume sampling in accordance with paragraph (4)(c) of this section and collect the number of samples specified for

standard monitoring under paragraph (3) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations

Revise 61-58.11.H(7) to read:

(7) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in paragraph (7)(a) of this section and all of the monitoring criteria specified in paragraph (7)(b) of this section. Any small system that meets the criteria in paragraphs (7)(a) and (b) of this section only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

Revise 61-58.11.H(7)(d)(iii) to read:

(iii) If a system with a full or partial waiver adds a new source of water or changes any water treatment, the system must notify the Department in writing in accordance with Section L(1)(c) below. The Department has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

Add 61-58.12.C(4)(d)(v)(C): to read:

(C) When it is reported pursuant to R.61-58.10.E or R.61-58.10.H(4) or R.61-58.10.I(6): the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in R.61-58.10.E or R.61-58.10.H(4) or R.61-58.5.I(6) for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.

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Revise 61-58.12.D(2) and (2)(a) to read (b) remains unchanged:

(2) Ending in the report due by July 1, 2001, a system which detects arsenic at levels above 0.025 mg/L, but below the 0.05 mg/L, and beginning in the report due by July 1, 2002, a system that detects arsenic above 0.005 mg/L and up to and including 0.01 mg/L:

(a) Shall include in its report a short informational statement about arsenic, using language such as: While your drinking water meets State and Federal standards for arsenic, it does contain low levels of arsenic. The Federal standard balances the current understanding of arsenic's possible health effects against the cost of removing arsenic from drinking water. EPA continues to research health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

Add 61-58.12.D(6) to read

(6) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effect language prescribed by Appendix D to this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendment of Regulation 61-58, State Primary Drinking Water Regulations

Purpose: This amendment of R.61-58 adopts federal regulations commonly referred to as the Arsenic Rule and the Long Term 1 Enhanced Surface Water Treatment Rule, and will also make other minor revisions. These revisions will comply with federal law and will maintain conformity with federal regulations pursuant to 40 CFR Parts 141 and 142 through 2002. See Preamble and Discussion above and Statement of Need and Reasonableness below.

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 et seq., State Safe Drinking Water Act.

Plan for Implementation: These amendments will be incorporated within R.61-58 and will be implemented in the same manner in which the existing regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The adoption of these regulations allows the Department to continue being the primacy agency for the implementation of the Safe Drinking Water Act and the National Primary Drinking Water Regulations in the state. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The proposed regulations will comply with 40 CFR Parts 141 and 142 and are necessary to maintain conformity with federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

These amendments are exempt from the requirements of a preliminary fiscal impact statement because each change is necessary to maintain conformity with Federal Regulations. In amending the Federal regulations for public water systems, the most common cumulative impact will be that associated with initial monitoring. Most systems will need to conduct at least some limited initial monitoring for most regulated contaminants. However,

for the vast majority of systems that will not detect the contaminant at levels of concern, subsequent monitoring will be limited and infrequent, with monitoring variances available for up to once every nine years. In consideration of the non-quantifiable benefits in the analysis of incremental costs and benefits of the Arsenic Rule, it is the EPA's assumption that health risk reduction benefits will begin to accrue at the same time costs begin to accrue. For a more detailed response to the various cost and benefit estimates to complying with the new Arsenic Rule, please refer to Sections V.G. and V.H. of the preamble to the Arsenic Final Rule, which can be found in Federal Register, Vol. 66, No.14, January 22, 2001. In summary, the EPA believes that the costs and benefits have been correctly calculated, within the limits of available data and information and that they adequately support the final rule. In estimating the cost for the LT1ESWTR EPA considered impacts on the public water systems and on States. The LT1ESWTR will result in increased costs to public water systems for implementing the components of the rules. The primary benefits of the LT1ESWTR come from the reductions in the risks of microbial illness from drinking water, in particular, reducing the risk associated with disinfection resistant pathogens, such as *Cryptosporidium*. For a more detailed response to the various cost and benefit estimates to complying with the new LT1ESWTR, please refer to Sections V.A, V.B and V.C of the preamble to the LT1ESWTR Final Rule, which can be found in Federal Register, Vol. 67, No.9, January 14, 2002.

UNCERTAINTIES OF ESTIMATES: Unknown.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Minimal.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There could be a substantial adverse impact on public health if the amendments are not implemented. Failure of the department to adopt the federal regulations could result in the department losing primacy to enforce the Safe Drinking Water Act and the National Primary Drinking Water Regulations.

Replace Appendix A to 61-58.6 to read:

APPENDIX A TO 61-58.6: VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE¹

	CONTAMINANT TIER OF PUBLIC PROCEDURE VIOLATIONS	MCL/MRDL/TT/VIOLATIONS ² MONITORING & TESTING		
		CITATION		
		NOTICE REQUIRED		CITATION
		TIER OF PUBLIC		
NOTICE REQUIRED				
I. Violations of the State Primary Drinking Water Violations (SPDWR):³				
A. Microbiological Contaminants				
1. Total coliform	2	61-58.5.F(1)	3	61-58.5.G(1) - (5)
2. Fecal coliform/E. coli	1	61-58.5.F(2)	⁴ 1, 3	61-58.5.G(5)
3. Turbidity MCL	2	61-58.10.E, H, & I	3	61-58.10.F
4. Turbidity MCL (average of 2 days samples greater than 5 NTU)	⁵ 2, 1	61-58.10.C, E, H & I	3	61-58.10F
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	⁶ 2, 1	61-58.10.C(i)(b) 61-58.10.C(3)(b) 61-58.10.F(2)(b), 61-58.10.E(1)(b), 61-58.10.E(2)(b), 61-58.10.E(3)(b), 61-58.10.E(4), 61-58.10.H(4)(a)(ii), 61-58.10.H(4)(b), 61-58.10.I(6)(b)	3	61-58.10.F 61-58.10.H 61-58.10.F(3)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT).	2	61-58.10.B - E		61-58.10.I(7)(a) (i)-(iii) & (b) 61-58.10
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	⁷ 2	61-58.10.B - E 61-58.10.I(1)-(7)	3	61-58.10.H(3), (5) 61-58.10.I(4) & (5) 61-58.10.I(7)
8. Filter Backwash Recycling Rule violations	2	61-58.10.I	3	61-58.10.J

9. Long Term 1 Enhanced Surface Water Treatment Rule Violations.	2	61-58.10.I(1)-(7)	3	61-58.10.I.(4) & (5) 61-58.10.I(7)
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B. Inorganic Chemicals (IOCs)

1. Antimony	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
2. Arsenic	2	⁸ 61-58.5.B(2)	3	⁹ 61-58.5.C(7)
3. Asbestos (fibers >10µm)	2	61-58.5.B(2)	3	61-58.5.C(7), (8)
4. Barium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
5. Beryllium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
6. Cadmium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
7. Chromium (total)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
8. Cyanide	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
9. Fluoride	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
10. Mercury (inorganic)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
11. Nitrate	1	61-58.5.B(2)	¹⁰ 1, 3	61-58.5.C(7), (10) 61-58.5.C(12)
12. Nitrite	1	61-58.5.B(2)	¹⁰ 1, 3	61-58.5.C (7), (10), 61-58.5.C(12)
13. Total Nitrate and Nitrite	1	61-58.5.B(2)	3	61-58.5.C(7)
14. Selenium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
15. Thallium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

1. Lead and Copper Rule (TT)	2	61-58.11.B - G	3	61-58.11.H - K
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D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	61-58.5.D	3	61-58.5.E(7)
2. 2,4,5-TP (Silvex)	2	61-58.5.D	3	61-58.5.E(7)
3. Alachlor	2	61-58.5.D	3	61-58.5.E(7)
4. Atrazine	2	61-58.5.D	3	61-58.5.E(7)
5. Benzo(a)pyrene (PAHs)	2	61-58.5.D	3	61-58.5.E(7)
6. Carbofuran	2	61-58.5.D	3	61-58.5.E(7)
7. Chlordane	2	61-58.5.D	3	61-58.5.E(7)
8. Dalapon	2	61-58.5.D	3	61-58.5.E(7)
9. Di (2-ethylhexyl) adipate	2	61-58.5.D	3	61-58.5.E(7)
10. Di (2-ethylhexyl) phthalate	2	61-58.5.D	3	61-58.5.E(7)
11. Dibromochloropropane	2	61-58.5.D	3	61-58.5.E(7)
12. Dinoseb	2	61-58.5.D	3	61-58.5.E(7)
13. Dioxin (2,3,7,8-TCDD)	2	61-58.5.D	3	61-58.5.E(7)
14. Diquat	2	61-58.5.D	3	61-58.5.E(7)
15. Endothall	2	61-58.5.D	3	61-58.5.E(7)
16. Endrin	2	61-58.5.D	3	61-58.5.E(7)
17. Ethylene dibromide	2	61-58.5.D	3	61-58.5.E(7)

18. Glyphosate	2	61-58.5.D	3	61-58.5.E(7)
19. Heptachlor	2	61-58.5.D	3	61-58.5.E(7)
20. Heptachlor epoxide	2	61-58.5.D	3	61-58.5.E(7)
21. Hexachlorobenzene	2	61-58.5.D	3	61-58.5.E(7)
22. Hexachlorocyclo-pentadiene	2	61-58.5.D	3	61-58.5.E(7)
23. Lindane	2	61-58.5.D	3	61-58.5.E(7)
24. Methoxychlor	2	61-58.5.D	3	61-58.5.E(7)
25. Oxamyl (Vydate)	2	61-58.5.D	3	61-58.5.E(7)
26. Pentachlorophenol	2	61-58.5.D	3	61-58.5.E(7)
27. Picloram	2	61-58.5.D	3	61-58.5.E(7)
28. Polychlorinated biphenyls (PCBs)	2	61-58.5.D	3	61-58.5.E(7)
29. Simazine	2	61-58.5.D	3	61-58.5.E(7)
30. Toxaphene	2	61-58.5.D	3	61-58.5.E(7)

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	61-58.5.N	3	61-58.5.O
2. Carbon tetrachloride	2	61-58.5.N	3	61-58.5.O
3. Chlorobenzene (monochlorobenzene)	2	61-58.5.N	3	61-58.5.O
4. o-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
5. p-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
6. 1,2-Dichloroethane	2	61-58.5.N	3	61-58.5.O
7. 1,1-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
8. cis-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
9. trans-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
10. Dichloromethane	2	61-58.5.N	3	61-58.5.O
11. 1,2-Dichloropropane	2	61-58.5.N	3	61-58.5.O
12. Ethylbenzene	2	61-58.5.N	3	61-58.5.O
13. Styrene	2	61-58.5.N	3	61-58.5.O
14. Tetrachloroethylene	2	61-58.5.N	3	61-58.5.O
15. Toluene	2	61-58.5.N	3	61-58.5.O
16. 1,2,4-Trichlorobenzene	2	61-58.5.N	3	61-58.5.O
17. 1,1,1-Trichloroethane	2	61-58.5.N	3	61-58.5.O
18. 1,1,2-Trichloroethane	2	61-58.5.N	3	61-58.5.O
19. Trichloroethylene	2	61-58.5.N	3	61-58.5.O
20. Vinyl chloride	2	61-58.5.N	3	61-58.5.O
21. Xylenes (total)	2	61-58.5.N	3	61-58.5.O

F. Radioactive Contaminants

1. Beta/photon emitters	2	61-58.5.H	3	61-58.5.K, 61-58.5.K
2. Alpha emitters	2	61-58.5.H	3	61-58.5.K, 61-58.5.K
3. Combined radium (226 & 228)	2	61-58.5.H	3	61-58.5.K(13) – (15).
4. Uranium	¹¹²	61-58.5.H	¹² 3	61-58.5.K,

G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹³

1. Total trihalomethanes (TTHMs)	2	¹⁴ 61-58.5.L, 61-58.5.P	3	61-58.5.M 61-58.13.C(1), (2)
2. Haloacetic Acids (HAA5)	2	61-58.5.P	3	61-58.13.C(1), (2)
3. Bromate	2	61-58.5.P	3	61-58.13.C(1), (2)
4. Chlorite	2	61-58.5.P	3	61-58.13.C(1), (2)
5. Chlorine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
6. Chloramine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
7. Chlorine dioxide (MRDL) where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	61-58.5.Q, 61-58.13.D	2 ¹⁵ , 3	61-58.13.C(1), (3), 61-58.13.C(3)(b)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	¹⁶ 1	61-58.5.Q, 61-58.13.D(3)	1	61-58.13.C(1), (3), 61-58.13.D(3)(b)
9. Control of DBP precursors--TOC (TT)	2	61-58.10.F(1), (2)	3	61-58.13.C(1), (4)
10. Bench marking and disinfection profiling.	N/A	N/A	3	61-58.10.G(3) 61-58.10.H(3) 61-58.10.I(4) & (5)
11. Development of monitoring plan	N/A	N/A	3	61-58.13.C(6)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	61-58.5.AA	N/A	N/A
2. Epichlorohydrin (TT)	2	61-58.5.AA	N/A	N/A

II. Unregulated Contaminant Monitoring:¹⁷

A. Unregulated contaminants	N/A	N/A	3	61-58.5.T
B. Nickel	N/A	N/A	3	61-58.5.C(9), (17)

III. Public Notification for Variances and Exemptions:

A. Operation under a variance or exemption	3	¹⁸ 61-58.9	N/A	N/A
B. Violation of conditions of a variance or exemption	2	¹⁹ 61-58.9	N/A	N/A

IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant	3	61-58.5.R	N/A	N/A
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level (SMCL) exceedance				
B. Exceedance of nitrate MCL for non-community systems, as allowed by Department	1	61-58.5.B(3)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	61-58.5.T	N/A	N/A
D. Waterborne disease outbreak	1	61-58.B(156)	N/A	N/A
		61-58.10.C(3)(b)(ii)		
E. Other waterborne emergency ²⁰	1	N/A	N/A	N/A
F. Other situations as determined by the Department	²¹ 1, 2, 3	N/A	N/A	N/A

Appendix A to R.61-58.6 - Endnotes

¹ Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Department. The Department may, at its option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under R.61-58.6.E(2)(a) and (3)(a).

² MCL--Maximum contaminant level, MRDL--Maximum residual disinfectant level, TT--Treatment technique

³ The term Violations of State Primary Drinking Water Regulations (SPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

⁴ Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

⁵ Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.

⁶ Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are required to consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.

⁷ Most of the requirements of the Interim Enhanced Surface Water Treatment Rule, R.61-58.10.B - C become effective January 1, 2002 for surface water systems and ground water systems under the direct influence of surface water serving at least 10,000 persons. However, R.61-58.10.H(3) has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.

⁸ The arsenic MCL citations are effective January 23, 2006. Until then the citations are R.61-58.5(B)(2).

⁹ The arsenic Tier 3 violations MCL citations are effective January 23, 2006. Until then, the citations are R.61-58.C(7).

¹⁰ Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

¹¹ The uranium MCL, Tier 2 violation citations are effective December 8, 2003 for all community water systems.

¹² The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.

¹³ Community and non-transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient

non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

¹⁴ R.61-58.5.L will no longer apply after January 1, 2004.

¹⁵ Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

¹⁶ If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

¹⁷ Some water systems must monitor for certain unregulated contaminants listed in R.61-58.5.T

¹⁸ This citation refers to R.61-58.9 require that ``a schedule prescribedfor a public water system granted a variance [or exemption] shall require compliance by the system . . ."

¹⁹ In addition to R.61-58.9 specifies the items and schedule milestones that must be included in a variance for small systems.

²⁰ Other waterborne emergencies require a Tier 1 public notice under R.61-58.6.E(2)(a) for situations that do not meet the definition of a waterborne disease outbreak given in R.61-58.B(156) but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

²¹ The Department may place other situations in any tier they believe appropriate, based on threat to public health.

Replace Appendix B to R.61-58.6 to read:

Appendix B to R.61-58.6: Standard Health Effects Language for Public Notification

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
State Primary Drinking Water Regulations (SPDWR):			
A. Microbiological Contaminants:			
1a. Total coliform	Zero	See footnote ³	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ⁴	None	1 NTU ^{5/5} NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) ⁶	None	TT ⁷	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT)	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

B. Surface Water Treatment Rule (SWTR), and Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and Filter Backwash Recycling Rule (FBRR) violations:

3. Giardia lamblia (SWTR/IESWTR /LT1ESWTR)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR/LT1ESWTR)			
5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/LT1ESWTR).			
6. Legionella (SWTR/IESWTR/LT1ESWTR).			
7. Cryptosporidium (IESWTR/FBRR/LT1ESWTR).			

C. Inorganic Chemicals (IOCs):

8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic ¹¹	Zero	0.01	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine

17. Mercury (inorganic)	0.002	0.002	years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
18. Nitrate	10	10	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
D. Lead and Copper Rule:			
23. Lead	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

E. Synthetic Organic Chemicals (SOCs):

25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could minor kidney changes.
33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di (2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl) phthalate in excess of the MCL many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide 0.00005			Zero Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclo pentadiene	0.05	0.05	Some people who drink water containing Hexachlorocyclo-pentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

52. Polychlorinated biphenyls (PCBs).	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	0.003	Zero	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

F. Volatile Organic Chemicals (VOCs):

55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene.	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane.	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloro-ethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloro-ethylene well in excess of the MCL over many years could experience problems with their liver.

64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

G. Radioactive Contaminants:

76. Beta/photon emitters	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁷	Zero	30µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs):¹⁷¹⁸

80. Total trihalomethanes (TTHMs)	N/A	0.10/0.08017 ^{19/20}	Some people who drink water containing trihalomethanes excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 ²¹	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drinking water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ²²	4.0 (MRDL) ²³	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

85. Chloramines 4.0 (MRDL)			4 (MRDLG) Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL.	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
86b. Chlorine dioxide, where one or more water distribution system above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL are samples are could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.
87. Control of DBP precursors (DBP)	None	TT	Total organic carbon (TOC) has no health effects However, total organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

I. Other Treatment Techniques:

88. Acrylamide.	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix B to R.61-58.6 - endnotes

1. MCLG - Maximum contaminant level goal

2. MCL - Maximum contaminant level

3. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

4. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration.

5. NTU - Nephelometric turbidity unit

6. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Department.

7. TT - Treatment technique

8. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department. For systems subject to the LT1ESWTR (systems serving fewer than 10,000 people, using surface water or ground water under the direct influence of surface water) that use conventional filtration or direct filtration, after January 14, 2005 the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department.

9. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

10. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

11. These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

12. Millions fibers per liter.
13. Action Level = 0.015 mg/L
14. Action Level = 1.3 mg/L
15. Millirems per years
16. Picocuries per liter
17. The uranium MCL is effective December 8, 2003 for all community water systems.
18. Surface water systems and ground water systems under the direct influence of surface water are regulated under R.61-58.10 Community and non-transient non-community systems serving greater than 10,000 must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
19. The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for community water community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, all systems serving less than 10,000 will have to comply with the new MCL as well.
20. The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.
21. The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.
22. MRDLG--Maximum residual disinfectant level goal.
23. MRDL--Maximum residual disinfectant level.

Replace Appendix C to R.61-58.6 to read:

APPENDIX C TO R.61-58.6 - LIST OF ACRONYMS USED IN PUBLIC NOTIFICATION REGULATION

CCR Consumer Confidence Report
CWS Community Water System
DBP Disinfection Byproduct
EPA Environmental Protection Agency

FBR FILTER BACKWASH RECYCLE RULE

HPC Heterotrophic Plate Count
IESWTR Interim Enhanced Surface Water Treatment Rule
IOC Inorganic Chemical
LCR Lead and Copper Rule

LT1ESWTR LONG TERM 1 ENHANCED SURFACE WATER TREATMENT RULE

MCL Maximum Contaminant Level
MCLG Maximum Contaminant Level Goal
MRDL Maximum Residual Disinfectant Level
MRDLG Maximum Residual Disinfectant Level Goal
NCWS Non-Community Water System
NPDWR National Primary Drinking Water Regulation
NTNCWS Non-Transient Non-Community Water System
NTU Nephelometric Turbidity Unit
OGWDW Office of Ground Water and Drinking Water
OW Office of Water
PN Public Notification
PWS Public Water System
SDWA Safe Drinking Water Act
SMCL Secondary Maximum Contaminant Level
SOC Synthetic Organic Chemical
SPDWR State Primary Drinking Water Regulations
SWTR Surface Water Treatment Rule
TCR Total Coliform Rule
TT Treatment Technique
TWS Transient Non-Community Water System
VOC Volatile Organic Chemical

Replace Appendix D to 61-58.12 to read: Replace Appendix D to R.61-58.12 to read:

APPENDIX D TO R.61-58.12: CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units water	MCLG	Major sources in drinking	Health effects language
Microbiological contaminants:						
Total Coliform Bacteria	MCL: (systems that collect <input type="checkbox"/> <input type="checkbox"/> 40 samples/month) 5% of monthly samples are positive; (systems that collect <40 samples/month) 1 positive monthly sample.		MCL: (systems that collect <input type="checkbox"/> <input type="checkbox"/> 40 samples/month) 5% of monthly samples are positive; (systems that collect <40 samples/month) 1 positive monthly sample.	0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and E. coli	0		0	0	Human and animal fecal waste	Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT		TT	N/A	Naturally present	Total organic carbon (TOC) has no health effects. However, total in the environment organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT		TT	N/A	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium formicrobial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive contaminants:						
Beta/photon emitters (mrem/yr)	4 mrem/yr		4	N/A	Decay of natural and man-made deposits.	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.

Alpha emitters (pCi/L)	15 pCi/L		15	N/A	Erosion of natural deposits.	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/L)	5 pCi/L		5	N/A	Erosion of natural deposits.	Some people who drink water containing radium-226 or - 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/L)	30 µg/L		30	0	Erosion of natural deposits.	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk getting cancer and kidney toxicity.

Inorganic contaminants:

Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	0.01	1000	10	10	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL)	7 MFL		7	7	Decay of asbestos cement water; mains; production wastes; erosion of natural deposits,	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2		2	2	Discharge of drilling; wastes; Discharge from metal refineries; Erosion of natural deposits.	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions
Cadmium (ppb)	.005	1000	5	5	Corrosion of	Some people who drink water containing cadmium in

					galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.	excess of the MCL over many years could experience kidney damage.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp; mills; Erosion of Natural deposits.	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm)	AL=1.3		AL=1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm)	4		4	4	Erosion of natural deposits; Water additive which promotes strong teeth Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits;discharge from refineries and factories;	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

Nitrate (ppm)	10		10	10	Runoff from landfills; Runoff from cropland. Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1		1	1	Runoff from fertilizer use; Leaching from septic tanks sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops.	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT		TT	0	Added to water during sewage/ wastewater treatment.	Some people who drink water containing high levels of acrylamide over a long period of time could have an increased problems with their nervous system or blood, and may have risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops.	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from	Some people who drink water containing atrazine well

Benzo(a)pyrene [PAH] (nanograms/l).	.0002	1,000,000	200	0	herbicide used on row crops. Leaching from linings of water storage tanks distribution lines.	in excess of the MCL over many years could experience on problems with their cardiovascular system or reproductive difficulties. Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa.	Some people who drink carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	+Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way.	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb).	.4	1000	400	400	Discharge from chemical factories.	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb).	.006	1000	6	0	Discharge from rubber and chemical factories.	Some people who drink water containing di (2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables.	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq).	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories.	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use.	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin.	TT		TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries.	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide.	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor.	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories.	Some people who drink water containing Hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects and may have an increased risk of getting cancer
Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties

Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples potatoes and tomatoes.	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
PCBs [Polychlorinated	.0005	1,000,000	500	0	Runoff from landfills excess of the MCL over many years could experience	Some people who drink water containing PCBs in biphenyls] (ppt). changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years couple experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle.	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer
Volatile organic contaminants:						
Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills.	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Bromate (ppb)	.010	1000	10	0	By-product of drinking water chlorination.	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities.	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with in their liver and may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes.	Some people who use water containing chloramines well in excess of the MRDL could experience irritating to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control effects to their eyes and nose.	Some people who use water containing chlorine well in excess of the MRDL could experience irritating microbes. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Chlorite (ppm)	1		1	0.8	By-product of drinking water chlorination.	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chloride dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from	Some people who drink water containing chlorobenzene

chemical and

in excess of the MCL over many years could

agricultural

experience problems with their liver or kidneys.

o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical chemical factories.	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories.	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
cis-1,2-Dichloroethylene (ppb).	.07	1000	70	70	Discharge from industrial chemical factories.	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb).	.1	1000	100	10	Discharge from industrial chemical factories.	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an

1,2-Dichloropropane (ppb)	.005	1000	5	0	factories Discharge from industrial chemical factories.	increased risk of getting cancer. Some people who drink water containing 1,2-Dichloropropane excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries.	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb).	.060	1000	60	N/A	By-product of drinking water disinfection.	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories and leaching from landfills.	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners.	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories.	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories.	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience liver, problems with their nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb).	.005	1000	5	3	Discharge from industrial chemical factories.	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver; kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	0.10/.080	1000	100/80	N/A	By-product of drinking water chlorination.	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1		1	1	Discharge from petroleum factories.	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

Xylenes (ppm)	10	10	10	from plastics factories. Discharge from petroleum factories; Discharge from chemical factories.	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
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Key:

AL=Action Level

MCLG=Maximum Contaminant Level Goal

MRDL=Maximum Residual Disinfectant Level

mrem/year=millirems per year (a measure of radiation absorbed by the body)

N/A=Not Applicable

pCi/l=picocuries per liter (a measure of radioactivity)

ppb=parts per billion, or micrograms per liter ($\mu\text{g/l}$)

ppq=parts per quadrillion, or picograms per liter

MCL=Maximum Contaminant Level

MFL=million fibers per liter

MRDLG=Maximum Residual Disinfectant Level Goal

NTU=Nephelometric Turbidity Units (a measure of water clarity)

ppm=parts per million, or milligrams per liter (mg/l)

ppt=parts per trillion, or nanograms per liter

TT=Treatment Technique

Appendix D to R.61-58.12 - endnotes

¹ These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.