

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR
DEIRDRE BREVARD-SMITH, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published July 27, 2012

Volume 36 Issue No. 7

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2012 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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TABLE OF CONTENTS

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

| | |
|---|---|
| Status and Legislative Review Expiration Dates | 1 |
| Committee List of Regulations Submitted to General Assembly | 2 |

EXECUTIVE ORDERS

| | |
|--|---|
| Executive Order No. 2012-06 Appointing Saluda County Sheriff | 3 |
| Executive Order No. 2012-07 Appointing Beaufort County Probate Judge | 3 |

NOTICES

EDUCATION, STATE BOARD OF

Errata

| | |
|---------------------------------|---|
| Transfers and Withdrawals | 4 |
|---------------------------------|---|

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

| | |
|----------------------------|---|
| Certification of Need..... | 4 |
|----------------------------|---|

| | |
|---------------------------------|---|
| Underground Storage Tanks | 5 |
|---------------------------------|---|

Errata

| | |
|--|---|
| Air Pollution Control Regulations and Standards (61-62.61) | 6 |
|--|---|

DRAFTING NOTICES

EDUCATION, STATE BOARD OF

| | |
|-----------------------------|----|
| Accreditation Criteria..... | 19 |
|-----------------------------|----|

| | |
|------------------------------------|----|
| Defined Program, Grades 9-12 | 19 |
|------------------------------------|----|

PROPOSED REGULATIONS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

| | |
|--|----|
| Document No. 4289 Hazardous Waste Management Regulations | 20 |
|--|----|

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

| DOC. NO. | RAT. NO. | FINAL ISSUE | SUBJECT | EXP. DATE | AGENCY |
|---------------------|---------------------|------------------------|--------------------------------------|----------------------|--|
| 4210 | | | Licensed Midwives | 5/08/13 | Department of Health and Envir Control |
| 4259 | | | South Carolina Immunization Registry | 5/08/13 | Department of Health and Envir Control |

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

| DOC. No. | SUBJECT | HOUSE COMMITTEE | SENATE COMMITTEE |
|---------------------|--------------------------------------|------------------------|-------------------------|
| 4210 | Licensed Midwives | | |
| 4259 | South Carolina Immunization Registry | | |

Executive Order No. 2012-06

WHEREAS, a vacancy exists in the office of Saluda County Sheriff as a result of the resignation of Jason C. Booth; and

WHEREAS, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40(A) of the South Carolina Code of Laws; and

WHEREAS, Luther Harris Nossett, Jr., residing at 157 Murray Point Road, Batesburg, South Carolina 29006, is a fit and proper person to serve as Saluda County Sheriff.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Luther Harris Nossett, Jr. as Sheriff of Saluda County until the next general election for this office and until his successor shall qualify. This appointment shall be effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19th DAY OF JUNE, 2012.

NIKKI R. HALEY
Governor

Executive Order No. 2012-07

WHEREAS, Francis M. Simon resigned as Beaufort County Probate Judge, effective July 1, 2012; and

WHEREAS, the undersigned is authorized to appoint a Probate Judge in the event of a vacancy pursuant to Sections 4-11-20 and 14-23-50 of the South Carolina Code of Laws; and

WHEREAS, Kenneth E. Fulp, Jr. residing at 11C Rising Tide Drive, Beaufort, South Carolina 29902, is a fit and proper person to serve as a Probate Judge of Beaufort County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Kenneth E. Fulp, Jr. as Probate Judge of Beaufort County for the unexpired term and until the next general election for this office.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF JULY, 2012.

NIKKI R. HALEY
Governor

4 NOTICES

STATE BOARD OF EDUCATION

ERRATA

43-273. Transfers and Withdrawals (Document No. 4285)

Transfers and Withdrawals appears in the April 27, 2012 *State Register* on page 41. The public hearing date has been changed from July 11, 2012 to August 8, 2012 at 1 pm.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

Affecting Aiken County

Construction for the establishment of an eighty (80) bed nursing care facility that does not participate in the Medicaid (Title XIX) Program
CSRA Senior Living
Graniteville, South Carolina
Project Cost: \$25,500,000

Affecting Anderson County

Construction for the establishment of a one hundred-twenty (120) bed nursing care facility that does not participate in the Medicaid (Title XIX) Program
NHC Health & Rehab, Anderson
Anderson, South Carolina
Project Cost: \$21,400,000

Affecting Dorchester County

Construction of a freestanding Ambulatory Surgical Facility (ASF) with two (2) endoscopy rooms restricted to endoscopy procedures only
Summerville Endoscopy Center, LLC
Summerville, South Carolina
Project Cost: \$4,478,405

Affecting Marion County

Replacement of a mobile magnetic resonance imaging (MRI) unit currently available three days a week with a fixed 1.5T magnetic resonance imaging (MRI) unit
 QHG of South Carolina, Inc. d/b/a Marion Regional Hospital
 Mullins, South Carolina
 Project Cost: \$1,753,709

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

[INTENTIONALLY LEFT BLANK- NO ITEMS FOR AFFECTED PERSONS]

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

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

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

6 NOTICES

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

Class I

Winyah Environmental, P.C.
Attn: Timothy Mettlen
489 Fieldgate Circle
Pawleys Island, SC 29585

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

July 27, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the regulations pertaining to 61-62.61. These corrections do not create new regulatory requirements, the corrections are nonsubstantive, do not change the legal meaning, and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

R.61-62.61, National Emission Standards For Hazardous Air Pollutants (NESHAP) South Carolina Designated Facility Plan and New Source Performance Standards

State Register Doc. 4280, April 27, 2012

At R.61-62.61 Subpart A, in the introductory text, strike the word "Title" and the comma after "61," and make the word "subpart" uppercase for consistency. Make the word "subpart" uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart A | | | |
|----------------------------------|---------------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 38 | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 40 | April 25, 1975 | [40 FR 18170] |
| Revision | Vol. 40 | October 14, 1975 | [40 FR 48299] |
| Revision | Vol. 42 | September 29, 1977 | [42 FR 51574] |
| Revision | Vol. 44 | September 25, 1979 | [44 FR 55174] |
| Revision | Vol. 48 | January 27, 1983 | [48 FR 3740] |
| Revision | Vol. 48 | December 9, 1983 | [48 FR 55266] |
| Revision | Vol. 49 | June 6, 1984 | [49 FR 23520] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46290] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46291] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46292] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46293] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46294] |
| Revision | Vol. 51 | March 5, 1986 | [51 FR 7715] |

| 40 CFR Part 61 Subpart A | | | |
|----------------------------------|---------------|--------------------|----------------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 51 | March 5, 1986 | [51 FR 7719] |
| Revision | Vol. 51 | April 1, 1986 | [51 FR 11022] |
| Revision | Vol. 51 | September 30, 1986 | [51 FR 34914] |
| Revision | Vol. 52 | October 8, 1987 | [52 FR 37617] |
| Revision | Vol. 54 | September 14, 1989 | [54 FR 38073] |
| Revision | Vol. 54 | December 15, 1989 | [54 FR 51704] |
| Revision | Vol. 55 | March 7, 1990 | [55 FR 8341] |
| Revision | Vol. 55 | May 2, 1990 | [55 FR 18331] |
| Revision | Vol. 55 | May 31, 1990 | [55 FR 22027] |
| Revision | Vol. 55 | August 13, 1990 | [55 FR 32914] |
| Revision | Vol. 57 | January 13, 1992 | [57 FR 1226] |
| Revision | Vol. 57 | March 5, 1992 | [57 FR 8016] |
| Revision | Vol. 58 | January 7, 1993 | [58 FR 3105] |
| Revision | Vol. 58 | January 21, 1993 | [58 FR 5299] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |
| Revision | Vol. 59 | March 11, 1994 | [59 FR 11554] |
| Revision | Vol. 59 | March 16, 1994 | [59 FR 12408] |
| Revision | Vol. 59 | June 17, 1994 | [59 FR 31157] |
| Revision | Vol. 59 | July 15, 1994 | [59 FR 36280] |
| Revision | Vol. 60 | March 15, 1995 | [60 FR 13912] |
| Revision | Vol. 60 | August 21, 1995 | [60 FR 43396] |
| Revision | Vol. 60 | September 5, 1995 | [60 FR 46206] |
| Revision | Vol. 60 | September 28, 1995 | [60 FR 50244] |
| Revision | Vol. 61 | December 30, 1996 | [61 FR 68972] |
| Revision | Vol. 62 | January 14, 1997 | [62 FR 1832] |
| Revision | Vol. 62 | February 24, 1997 | [62 FR 8314] |
| Revision | Vol. 63 | December 1, 1998 | [63 FR 66054] |
| Revision | Vol. 64 | February 3, 1999 | [64 FR 5574] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7458] |
| Revision | Vol. 64 | May 6, 1999 | [64 FR 24288] |
| Revision | Vol. 65 | February 28, 2000 | [65 FR 10391] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |
| Revision | Vol. 66 | June 15, 2001 | [66 FR 32545] |
| Revision | Vol. 66 | August 13, 2001 | [66 FR 42425, 42427] |
| Revision | Vol. 66 | September 19, 2001 | [66 FR 48211] |
| Revision | Vol. 67 | January 23, 2002 | [67 FR 3106] |
| Revision | Vol. 67 | March 14, 2002 | [67 FR 11417] |
| Revision | Vol. 67 | April 26, 2002 | [67 FR 20652] |
| Revision | Vol. 67 | June 10, 2002 | [67 FR 39622] |
| Revision | Vol. 67 | September 9, 2002 | [67 FR 57159] |
| Revision | Vol. 67 | October 7, 2002 | [67 FR 62395] |
| Revision | Vol. 68 | April 7, 2003 | [68 FR 16726] |
| Revision | Vol. 68 | May 28, 2003 | [68 FR 31611] |
| Revision | Vol. 68 | June 17, 2003 | [68 FR 35792] |

8 NOTICES

| 40 CFR Part 61 Subpart A | | | |
|---------------------------|---------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 68 | December 11, 2003 | [68 FR 69036] |
| Revision | Vol. 69 | March 26, 2004 | [69 FR 15687] |
| Revision | Vol. 69 | April 9, 2004 | [69 FR 18801] |
| Revision | Vol. 72 | May 16, 2007 | [72 FR 27437] |
| Revision | Vol. 73 | April 3, 2008 | [73 FR 18162] |
| Revision | Vol. 73 | May 6, 2008 | [73 FR 24870] |
| Revision | Vol. 74 | October 27, 2009 | [74 FR 55142] |
| Revision | Vol. 75 | September 13, 2010 | [75 FR 55636] |

At **R.61-62.61 Subpart B**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart B - “National Emission Standards for Radon Emissions From Underground Uranium Mines”

The provisions of 40 CFR Part 61 Subpart B, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart B | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51694] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart C**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart C - “National Emission Standard for Beryllium”

The provisions of 40 CFR Part 61 Subpart C, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart C | | | |
|---------------------------|---------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 38 | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46294] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |

At **R.61-62.61 Subpart D**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart D - “National Emission Standard for Beryllium Rocket Motor Firing”

The provisions of 40 CFR Part 61 Subpart D, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart D | | | |
|----------------------------------|---------------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 38 | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46294] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At R.61-62.61 Subpart E, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart E - “National Emission Standard for Mercury”

The provisions of 40 CFR Part 61 Subpart E, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart E | | | |
|----------------------------------|---------------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 38 | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 40 | October 14, 1975 | [40 FR 48302] |
| Revision | Vol. 47 | June 8, 1982 | [47 FR 24704] |
| Revision | Vol. 49 | September 12, 1984 | [49 FR 35770] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46294] |
| Revision | Vol. 52 | March 19, 1987 | [52 FR 8726] |
| Revision | Vol. 53 | September 23, 1988 | [53 FR 36972] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At R.61-62.61 Subpart F, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart F - “National Emission Standard for Vinyl Chloride”

The provisions of 40 CFR Part 61 Subpart F, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart F | | | |
|----------------------------------|---------------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 41 | October 21, 1976 | [41 FR 46564] |
| Revision | Vol. 41 | December 3, 1976 | [41 FR 53017] |
| Revision | Vol. 42 | June 7, 1977 | [42 FR 29006] |

10 NOTICES

| 40 CFR Part 61 Subpart F | | | |
|----------------------------------|---------------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 47 | September 8, 1982 | [47 FR 39486] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46295] |
| Revision | Vol. 51 | September 30, 1986 | [51 FR 34908] |
| Revision | Vol. 53 | September 23, 1988 | [53 FR 36972] |
| Revision | Vol. 53 | November 21, 1988 | [53 FR 46976] |
| Revision | Vol. 55 | July 10, 1990 | [55 FR 28348] |
| Revision | Vol. 57 | December 23, 1992 | [57 FR 60999] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart H**, in the subpart title, make the words “For” and “Of” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart H - “National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities”

The provisions of 40 CFR Part 61 Subpart H, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart H | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51695] |
| Revision | Vol. 61 | December 30, 1996 | [61 FR 68972] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 67 | September 9, 2002 | [67 FR 57159] |

At **R.61-62.61 Subpart I**, in the subpart title, make the words “For,” “And,” and “By” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart I - “National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H”

The provisions of 40 CFR Part 61 Subpart I, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart I | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51695] |
| Revision | Vol. 56 | April 24, 1991 | [56 FR 18736] |
| Revision | Vol. 56 | August 5, 1991 | [56 FR 37160] |
| Revision | Vol. 60 | September 5, 1995 | [60 FR 46206] |

| 40 CFR Part 61 Subpart I | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 61 | December 30, 1996 | [61 FR 68972] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 67 | September 9, 2002 | [67 FR 57159] |

At R.61-62.61 Subpart J, in the subpart title, make the words “For” and “Of” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart J - “National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene”

The provisions of 40 CFR Part 61 Subpart J, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart J | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 49 | June 6, 1984 | [49 FR 23513] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |

At R.61-62.61 Subpart K, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart K - “National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants”

The provisions of 40 CFR Part 61 Subpart K, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart K | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51699] |
| Revision | Vol. 56 | December 19, 1991 | [56 FR 65943] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At R.61-62.61 Subpart L, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

12 NOTICES

Subpart L - “National Emission Standard for Benzene Emissions From Coke By-Product Recovery Plants”

The provisions of 40 CFR Part 61 Subpart L, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart L | | | |
|---------------------------|---------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | September 14, 1989 | [54 FR 38073] |
| Revision | Vol. 55 | April 13, 1990 | [55 FR 14037] |
| Revision | Vol. 55 | September 14, 1990 | [55 FR 38073] |
| Revision | Vol. 56 | September 19, 1991 | [56 FR 47406] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7458] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart N**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart N - “National Emission Standard for Inorganic Arsenic Emissions From Gas Manufacturing Plants”

The provisions of 40 CFR Part 61 Subpart N, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart N | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 51 | August 4, 1986 | [51 FR 28025] |
| Revision | Vol. 51 | October 3, 1986 | [51 FR 35355] |
| Revision | Vol. 55 | May 31, 1990 | [55 FR 22027] |
| Revision | Vol. 64 | February 12, 1999 | [64 FR 7458] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart O**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart O - “National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters”

The provisions of 40 CFR Part 61 Subpart O, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart O | | | |
|----------------------------------|---------------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 51 | August 4, 1986 | [51 FR 28029] |
| Revision | Vol. 55 | May 31, 1990 | [55 FR 22027] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At R.61-62.61 Subpart P, in the subpart title, make the words “For” and “And” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart P - “National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities”

The provisions of 40 CFR Part 61 Subpart P, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart P | | | |
|----------------------------------|---------------|-----------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 51 | August 4, 1986 | [51 FR 28033] |
| Revision | Vol. 51 | October 3, 1986 | [51 FR 35355] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |

At R.61-62.61 Subpart Q, in the subpart title, make the words “For” and “Of” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart Q - “National Emission Standards for Radon Emissions From Department of Energy Facilities”

The provisions of 40 CFR Part 61 Subpart Q, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart Q | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 54 | December 15, 1989 | [54 FR 51701] |
| Original Promulgation | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At R.61-62.61 Subpart R, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

14 NOTICES

Subpart R - “National Emission Standards for Radon Emissions From Phosphogypsum Stacks”

The provisions of 40 CFR Part 61 Subpart R, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart R | | | |
|---------------------------|---------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 57 | June 3, 1992 | [57 FR 23305] |
| Revision | Vol. 64 | February 3, 1999 | [64 FR 5574] |
| Revision | Vol. 64 | October 1, 1999 | [64 FR 53212] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart T**, in the subpart title, make the words “For,” “The,” and “Of” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart T - “National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings”

The provisions of 40 CFR Part 61 Subpart T, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart T | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51702] |
| Revision | Vol. 56 | December 31, 1991 | [56 FR 67542] |
| Revision | Vol. 59 | July 15, 1994 | [59 FR 36280] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart V**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart V - “National Emission Standard for Equipment Leaks (Fugitive Emission Sources)”

The provisions of 40 CFR Part 61 Subpart V, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart V | | | |
|---------------------------|---------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 49 | June 6, 1984 | [49 FR 23513] |
| Revision | Vol. 49 | October 2, 1984 | [49 FR 38946] |
| Revision | Vol. 49 | October 31, 1984 | [49 FR 43647] |
| Revision | Vol. 51 | January 21, 1986 | [51 FR 2702] |
| Revision | Vol. 51 | September 30, 1986 | [51 FR 34915] |

| 40 CFR Part 61 Subpart V | | | |
|---------------------------|---------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 53 | September 23, 1988 | [53 FR 36972] |
| Revision | Vol. 54 | September 14, 1989 | [54 FR 38076] |
| Revision | Vol. 55 | July 10, 1990 | [55 FR 28349] |
| Revision | Vol. 58 | April 7, 1993 | [58 FR 18014] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |

At **R.61-62.61 Subpart W**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart W - “National Emission Standards for Radon Emissions From Operating Mill Tailings”

The provisions of 40 CFR Part 61 Subpart W, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart W | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51703] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |

At **R.61-62.61 Subpart Y**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart Y - “National Emission Standard for Benzene Emissions From Benzene Storage Vessels”

The provisions of 40 CFR Part 61 Subpart Y, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart Y | | | |
|---------------------------|---------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | September 14, 1989 | [54 FR 38077] |
| Revision | Vol. 54 | December 11, 1989 | [54 FR 50887] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |

At **R. 61-62.61, Subparts Z and AA**, strike combined text and list Subpart Z and Subpart AA separately. List each subpart as reserved for correctness and consistency to read:

Subpart Z – [Reserved]

Subpart AA – [Reserved]

16 NOTICES

At **R.61-62.61 Subpart BB**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and make the word “subpart” uppercase for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart BB - “National Emission Standard for Benzene Emissions From Benzene Transfer Operations”

The provisions of 40 CFR Part 61 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart BB | | | |
|----------------------------------|---------------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 55 | March 7, 1990 | [55 FR 8341] |
| Revision | Vol. 55 | April 3, 1990 | [55 FR 12444] |
| Revision | Vol. 55 | October 31, 1990 | [55 FR 45804] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 65 | December 14, 2000 | [65 FR 78268] |

At **R. 61-62.61, Subparts CC, DD, and EE**, strike combined text and list Subpart CC, Subpart DD, and Subpart EE separately. List each subpart as reserved, for correctness and consistency to read:

Subpart CC – [Reserved]

Subpart DD – [Reserved]

Subpart EE – [Reserved]

At **R.61-62.61, Subpart FF**, in the subpart title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” make the word “subpart” uppercase, and add a comma after the title “subpart FF” for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “subpart” uppercase in the table header for consistency to read:

Subpart FF - “National Emission Standard for Benzene Waste Operations”

The provisions of 40 CFR Part 61 Subpart FF, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Subpart FF | | | |
|----------------------------------|---------------|--------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 55 | March 7, 1990 | [55 FR 8346] |
| Revision | Vol. 55 | April 3, 1990 | [55 FR 12444] |
| Revision | Vol. 55 | May 2, 1990 | [55 FR 18331] |
| Revision | Vol. 55 | September 10, 1990 | [55 FR 37231] |
| Revision | Vol. 57 | March 5, 1992 | [57 FR 8016] |
| Revision | Vol. 58 | January 7, 1993 | [58 FR 3095] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 67 | November 12, 2002 | [67 FR 68526] |
| Revision | Vol. 68 | February 6, 2003 | [68 FR 6062] |

| 40 CFR Part 61 Subpart FF | | | |
|---------------------------|---------|------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Revision | Vol. 68 | December 4, 2003 | [68 FR 67932] |

At **R.61-62.61, Appendix A**, in the appendix title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” and add a comma after the title “Appendix A” for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “Appendix” uppercase in the table header for consistency to read:

Appendix A to Part 61 - “National Emission Standards for Hazardous Air Pollutants, Compliance Status Information”

The provisions of 40 CFR Part 61 Appendix A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Appendix A | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 40 | October 14, 1975 | [40 FR 48303] |
| Revision | Vol. 43 | March 3, 1978 | [43 FR 8800] |
| Revision | Vol. 50 | September 9, 1985 | [50 FR 46295] |

At **R.61-62.61, Appendix B**, in the introductory text, strike the word “Title” and the comma after “61,” make the word “appendix” uppercase, and add a comma after the title “Appendix B” for consistency. Reformat the words “Federal Register” throughout the text to remove italics per regulation drafting guidelines. Make the word “Appendix” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 61 Appendix B, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Appendix B | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 38 | April 6, 1973 | [38 FR 8826] |
| Revision | Vol. 50 | November 7, 1985 | [50 FR 46295] |
| Revision | Vol. 61 | April 25, 1996 | [61 FR 18260] |
| Revision | Vol. 65 | October 17, 2000 | [65 FR 61744] |
| Revision | Vol. 67 | September 9, 2002 | [67 FR 57159] |
| Revision | Vol. 69 | June 17, 2004 | [69 FR 33865] |

At **R.61-62.61, Appendix C**, in the introductory text, strike the word “Title” and the comma after “61,” make the word “appendix” uppercase, and add a comma after the title “Appendix C” for consistency. Reformat the words “Federal Register” to remove italics per regulation drafting guidelines for consistency. Make the word “Appendix” uppercase in the table header for consistency to read:

The provisions of 40 CFR Part 61 Appendix C, as originally published in the Federal Register are incorporated by reference as if fully repeated herein.

18 NOTICES

| 40 CFR Part 61 Appendix C | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 47 | September 7, 1982 | [47 FR 39178] |

At **R.61-62.61, Appendix D**, in the appendix title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” make the word “appendix” uppercase, and add a comma after the title “Appendix D” for consistency. Reformat the words “Federal Register” to remove italics per regulation drafting guidelines for consistency. Make the word “Appendix” uppercase in the table header for consistency to read:

Appendix D to Subpart 61 - “Methods for Estimating Radionuclide Emissions”

The provisions of 40 CFR Part 61 Appendix D, as originally published in the Federal Register are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Appendix D | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51711] |

At **R.61-62.61, Appendix E**, in the appendix title, make the word “For” lowercase for consistency. In the introductory text, strike the word “Title” and the comma after “61,” make the word “appendix” uppercase, and add a comma after the title “Appendix E” for consistency. Reformat the words “Federal Register” to remove italics per regulation drafting guidelines for consistency. Make the word “Appendix” uppercase in the table header for consistency to read:

Appendix E to Subpart 61 - “Compliance Procedures Methods for Determining Compliance With Subpart I”

The provisions of 40 CFR Part 61 Appendix E, as originally published in the Federal Register are incorporated by reference as if fully repeated herein.

| 40 CFR Part 61 Appendix E | | | |
|---------------------------|---------|-------------------|---------------|
| Federal Register Citation | Volume | Date | Notice |
| Original Promulgation | Vol. 54 | December 15, 1989 | [54 FR 51711] |

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2011), and 20 U.S.C. 6301 et seq. (2002)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-300, Accreditation Criteria. Interested persons may submit their comments in writing to Roy Stehle, Director, Office of Federal and State Accountability, 1429 Senate Street, Room 502, Columbia, South Carolina 29201 or by e-mail to rstehle@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 27, 2012.

Synopsis:

Regulation 43-300 governs the accreditation process for schools and districts in South Carolina. The proposed amendment is being made for two purposes: (1) to revise the current state accrediting process to allow the South Carolina Department of Education to award state accreditation for schools and districts that have successfully completed the Southern Association of Schools and Colleges' (SACS) accreditation process, and (2) to revise the current state accrediting process for the remaining schools and districts to include measures of Educator Quality, Student Achievement, Ongoing Planning for Improvement, School Safety, Finance, and other select S. C. State Board of Education Regulations and Statutes.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2011), 59-29-10 et seq. (2004 and Supp. 2011), 59-33-30 (2004), 59-53-1810 (Supp. 2011), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-234, Defined Program, Grades 9–12. Interested persons may submit their comments in writing to Roy Stehle, Office of Federal and State Accountability, Division of Accountability, 1429 Senate Street, Room 502, Columbia, South Carolina 29201 or by e-mail to rstehle@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 27, 2012.

Synopsis:

Regulation 43-234, Defined Program, Grades 9–12, establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. An amendment to the regulation will change the name to Defined Program, Grades 9-12, and High School Graduation Requirements. It will also clarify language in I, VI, and VIII, and propose language to address proficiency based credit. The State Department of Education will also be renamed as South Carolina Department of Education.

Legislative review of this proposal will be required.

20 PROPOSED REGULATIONS

Document No. 4289

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-79. Hazardous Waste Management Regulations

Preamble:

1. The Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations by promulgating regulations to adopt three final rules published in the Federal Register by the United States Environmental Protection Agency (EPA) between July 1, 2009 and June 30, 2010, and is also proposing to correct errors and omissions in the language of the previously adopted National Manifest Final Rule.

(1) The Department is proposing to adopt the “Revisions to the Requirements for Transboundary Shipments of Hazardous Wastes Between Organization for Economic Cooperation and Development (OECD) Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes,” Final Rule, (OECD Rule) published on January 8, 2010 at 75 FR 1236.

(2) The Department is proposing to adopt the “Withdrawal of the Emission Comparable Fuel Exclusion Under RCRA,” Final Rule, published on June 15, 2010 at 75 FR 33712.

(3) The Department is proposing to adopt parts of the “Hazardous Waste Technical Corrections and Clarifications Final Rule,” published on March 18, 2010 at 75 FR 12989.

(4) The Department is proposing to amend R.61-79 to correct errors and omissions in the previously adopted National Manifest Final Rule at 70 FR 10776 (March 4, 2005), which was published as a final regulation in the S.C. State Register on May 28, 2010 in Document 4080.

2. Adoption of these federal amendments is required to comply with federal law and will bring R.61-79 into conformity with the federal regulation. Legislative review of these amendments will not be required pursuant to Section 1-23-120(H). These regulations are also exempt from the requirements of a fiscal impact statement and assessment report pursuant to Sections 1-23-110(A)(3)(e) and (f).

3. A Notice of Drafting was published in the State Register on October 28, 2011, that replaced and superseded a former Notice of Drafting published in the State Register on June 24, 2011. Notice was also published in the Department’s monthly Regulation Development Update and on the Bureau of Land and Waste Management Public Notices internet site. No comments were received from either Notice of Drafting.

Section-by-Section Discussion of Proposed Revisions

(1) “Revisions to the Requirements for Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes” Final Rule, published January 8, 2010 at 75 FR 1236.

262.10(d) modify the paragraph to explain the requirements of exporting or importing wastes that are considered hazardous under U.S. national procedures to or from countries listed in 262.58(a) for recovery. The section goes on to explain how a waste is determined to be hazardous under US national procedures and what regulations and which management standards must be followed.

262.55 modify the introductory paragraph to update the address for filing an exception report with EPA as well as who must file.

262.58(a) modify the paragraph to determine what exports are hazardous waste and citation of the parts of the regulation that address the requirements that must be met in order to export spent lead-acid batteries.

262.58(a)(1) change the name from South Korea to “the Republic of” Korea to reflect the new proper name of the country.

262.58(b) add the last phrase to indicate this provision is not subject to the requirements of subpart H.

Subtitle H modify the title of this subpart to reflect new OECD language, changing “Transfrontier shipments” to “Transboundary Movements”

262.80(a) modify paragraph (a) by removing text and changing the first paragraph to provide for the addition of sections (1) and (2) to break out the requirements in this part and to add language that makes the requirements clear and more understandable.

262.80(b) modify the paragraph by replacing the terms “notifier, consignee” with “exporter, importer” to use terms agreed upon in the OECD Cooperation and Development agreements.

262.81 Definitions

To match the terms in the new OECD agreement, modify the definition for “Competent authority”; remove “Consignee”; change the term “countries” to “Countries concerned”; change “Exporting Country” to “Country of Export”; change “Importing Country” to “Country of Import”; add “Country of transit”; add “Exporter” and “Importer”, delete “notifier”; add a definition for “OECD”; modify “OECD area”; modify “Recognized trader”, “Recovery Facility” and “Recovery Operations”; remove the letter at the beginning of each definition and insert new or modified definitions in alphabetical order.

R1-R6 remain the same. **Modify R7** by replacing the word “control” with the word “abatement” ; **modify R8** by adding “used” after the word “components.”

R9-R12 remain the same. **Modify R13** by removing the words “in Table 2.B” and replacing it with “numbered R1-R12.”

Modify (l) “Transfrontier movement” by removing (l) and replace “transfrontier” with “transboundary” and replace “shipment” with “movement” to reflect the OECD agreement terms and remove “destined for recovery operations”.

262.82(a) is modified to change from the previous green, amber, or red list system to the new national procedures that include only Green and Amber lists for exporting to OECD countries.

262.82(a)(1), and (i) through (ii) are modified to clarify specifics of US Green control procedures and 262.80(a) provides specific guidelines to determine what is considered hazardous under US rules; (iii) is removed because it defines redlist waste which has been removed from the standards.

262.82(a)(2), (i), (ii) are modified; **add (A) & (B); (iii)** is modified to clarify determinations of US Amber wastes and where in the regulations specifics can be found. **Note to (a)(3) is changed to “Note to (a)(2)”** and removes redlist references.

262.82(a)(3) is modified; **(i), Note to (a)(3)(i), (ii), and Note to (a)(3)(ii)** are added sections with procedures for handling Green wastes that are mixed with other wastes.

22 PROPOSED REGULATIONS

262.82(a)(4) is modified to provide guidance in determining into which list an unlisted waste would be included that is scheduled for transboundary movement. Use of the term: “transfrontier” is changed to “transboundary” throughout.

262.82(a)(4)(i) direct that if the wastes are considered hazardous as defined under 262.80(a) these lists are subject to Amber control.

262.82(a)(4)(ii) directs non hazardous wastes to be handled under Green control procedures.

262.82(b) and (b)(2) deals with the re-export of hazardous waste from the country of import to a third country. The first country of import becomes the new exporter and assumes all responsibilities as an exporter. This is considered a new transboundary movement of hazardous waste. Amber controls procedures are used here. The sections are modified to replace all instances of the word “transfrontier” with the term “transboundary” and to show that this movement between countries must comply with international agreements.

262.82(c)(1), (i)-(ii), and (2) the re-export and return provisions of the OECD Decision is set out in 262.82(c), (d) and (e). Exactly how the items are to be handled and who are the responsible parties as well as the specific requirements are set forth in these sections. The language is modified for better phrasing of the amber control procedures and to better define what those procedures require.

262.82(c)(3) Remove text of this section because this section was incorporated into (c)(2).

262.82(d), (1) & (2) add text to provide instructions on how to manage amber control shipments that cannot be completed and are returned to the country of export or are re-exported to a third country. **(d)(1)** deals with the requirements if a shipment is returned from the United States to the country of Export. The US importer must notify EPA who will in turn inform the proper authorities in the countries of export and transit. **(d)(2)** addresses the requirements if the shipment is returned from the country of import to the US.

262.82(e), (1) & (2) and (f), (1) - (5), (i) & (ii) and (g) add sections to provide instructions on how to manage Amber control shipments that cannot be completed and are returned from a country of transit or if the shipment does not meet shipping requirements.

262.83(a), (b), (1)(i) through (iii), 2(i) through (ii), (c), (d)(1) through (14), note to (d)(14) and (e) modify paragraphs to establish that consent must be received from countries of import and transit prior to shipping Amber list wastes and defines the procedures that must be followed to complete the transit of hazardous waste to OECD countries.

262.84 (a), (1) & (2), (b), (b)(1) through (7), (c) through (e) All U.S. parties subject to the contract provisions of 262.85 must ensure that a movement document meeting the conditions of paragraph 262.84(b) must accompany each transboundary movement of wastes subject to the Amber control procedures from the beginning of the shipment until it reaches the final recovery facility. In this section change the word “Tracking document” to “Movement document”. This section prescribes what is required of this document and how it must be used in the transport of hazardous waste in OECD countries. The movement document is described in 262.84 and is different from the RCRA hazardous waste manifest. All transporters must have a movement document before they can accept a shipment of spent lead acid batteries (SLABS) and it must remain with the shipment until it reaches the final recovery facility.

262.85 (a) Transboundary movement of hazardous wastes subject to Amber control procedures require a valid written contract or equivalent arrangements and persons assuming the obligations of the contracts must have legal status to conduct the operations specified in the agreements. Section 262.85 sets forth the requirements to of these contracts. To update the OECD terminology and agreement, change the terms “transfrontier” to “transboundary”, remove the reference to “red” in the control procedures, change the term “notifier” to “exporter” and make the last word of the paragraph, “arrangement” plural.

262.85(b) Contracts. Add the phrase “paragraph (b)(1) through (b)(4) of this section” and add a phrase at the end of the paragraph that refers to paragraphs (b)(1) through (b)(4). The items (1) through (4) defining who must meet the requirements of contracts under section (b) remain the same.

262.85(c), (c)(1) & (2), (d) and (e) and the note to (e), parts (f) and (g) and note to (g) further explains arrangements for import and export under OECD contracts, sets requirements to specify which party to the contract will assume responsibility for alternate management of the wastes if their disposition cannot be carried out as described in the notification of intent to export. This section sets forth the specifics of setting up a contract. Section (e) includes provisions for financial guarantees. To correct and update to the new terms of the OECD agreement, the word “notifier” is replaced with “exporter”, “exporting and importing countries” become “countries of export and import” and (c)(2) adds specifics of returning wastes under contract, and matching tenses and phrases to incorporate OECD terms and adjustments.

262.86 Parts (a) and (b) deal with provisions relating to recognized traders. Parts (a) and (b) define the scope of recognized traders and the requirements associated with being an exporter or importer as well as the fact that the requirements must meet federal laws.

262.87 Parts (a), (1), (4) and (5), (i) and part (6). Reporting and recordkeeping. Parts (a), (1) and (4) as well as (5) (i) and (ii) and part (6) provide specific requirements for traders and exporters filing annual reports.

262.87(b), (1) - (2), (c), (1), (i) through (iv) define exception reports for primary exporters as well as other recordkeeping requirements and where the reports must be filed, how often, within what time frame and how long the documentation must be kept. The exception report must be filed in lieu of the requirements of 262.42 with the Office of Enforcement and Compliance Assurance under the provisions listed in sections (b)(1) - (3). Sections (c)(1) and (i) - (iv) define what records the primary exporter must keep and the specifics of these records.

262.88 Reserve this part.

262.89 OECD Waste Lists. (a)(2) & (b) through (e) provide criteria to determine if a waste is hazardous and subject to the requirements of this subpart. Delete part (c) and renumber part (d) as part (c). The old Part (e) is revised and renumbered as part (d). The new part (d) adopts the OECD Waste List Manual of 2009 by reference and corrects the address to which reports must be sent.

263.10(d) transporters of hazardous waste are subject to federal manifesting requirements of 262. Revise the provision that the transporters may be subject to state requirements that are analogous to part 273 or is exporting to any of the countries listed in 262.58(a)(1) for purposes of recovery is subject to this subpart and to all other relevant requirements of subpart H of part 262, including but not limited to 262.84 for movement documents; the term “tracking” is replaced by the term “movement”.

264.12(a)(2) addresses the required notices. Update the terminology from “tracking” document to the OECD approved term, “movement” document and replace “notifier” with “foreign exporter”; the address to which reporting documents must be sent is updated; specific requirements for a certificate of recovery are explained and to whom the document must be sent.

264.71(a)(3) deals with the use of the manifest system. This section is modified to require a receiving facility of imported hazardous waste from a foreign source to confirm EPA’s consent to the import of the hazardous waste along with a copy of the RCRA hazardous waste manifest for the incoming shipment within 30 days of delivery and the address to which the report must be sent is updated.

264.71(d) The changes update the OECD accepted terms as well as the recordkeeping and reporting requirements and the address to which the movement document must be sent.

24 PROPOSED REGULATIONS

265.12(a)(2) deals with required notices. This section updates the OECD accepted terms as well as an update of the recordkeeping and reporting requirements of a certificate of recovery document and to whom this document must be sent.

265.71(a)(3) deals with the use of the manifest system. This section adds instructions for sending a manifest and documentation to confirm EPA's consent to import hazardous waste along with a copy of the RCRA hazardous waste manifest for the incoming shipment. The information must be sent within 30 days and the address to which this information must be sent is corrected.

265.71(d) documenting the receipt of imported hazardous waste is modified by updating the terms approved in the OECD agreement and the address to which documentation must be sent. Also add the numeral (3) after the word "three" (two times).

266.80(a)(6) and (7). Add sections (6) and (7) to the existing table to address issues of exported batteries for reclamation and a list of parts in the regulation relating to the exporting of hazardous waste for reclamation. Parts (1) through (5) are unchanged.

(2) "Withdrawal of the Emission Comparable Fuel Exclusion Under RCRA," Final Rule, published on June 15, 2010 at 75 FR 33712.

261.4 "Exclusions" (a)(16) remove the parenthetical statement: (i.e., comparable syngas fuels)

This rule withdraws the conditional exclusion from regulation under subtitle C of RCRA for ECF. The premise of the ECF rule was that the ECF is no more hazardous than burning fuel oil because combustion of this material will have comparable emissions. EPA decided that to ensure that the material does not pose greater risks, they must promulgate a detailed set of conditions for both the storage and combustion of ECF that exists under subtitle C to provide for the necessary review of the operation to assure storage and combustion conditions are met.

261.38 Revise the title. "Comparable/Syngas Fuel Exclusion." will change to: "Exclusion of Comparable Fuel and Syngas Fuel" Make changes to 261.38 (a) - (b) and add a new (c) as shown in the text of changes. See Text of Proposed Revisions, Attachment C herein.

Table 1 to 261.38 Detection and Detection Limit Values for Comparable Fuel Specification - remove column two entitled: Composite value (mg/kg) and column three entitled: Heating value (BTU/lb). The rest of the table should have the numbers edited as shown in Text of Proposed Revisions, Attachment C herein.

(3) "Hazardous Waste Technical Corrections and Clarifications," Final Rule, published on March 18, 2010 at 75 FR 12989 as well as other minor corrections to match federal regulation.

260.10 Amend the definition of "New hazardous waste management facility" from: "facilities in existence on or before October 21, 1976" to read: "New hazardous waste management facility or new facility means a facility which began operation, or for which construction commenced after November 19, 1980." This is corrected to be more realistic and in line with the intent of RCRA.

260 Appendix I - Remove Appendix I because this appendix was inserted when RCRA was first developed but RCRA has had so many changes, Appendix I is no longer accurate. Removing the Appendix would minimize confusion.

261.1(c)(10) Correct the citation from "261.4(a)(13)" to read: "261.4(a)(14)" so the reference will correctly reference shredded circuit boards which is (14). Now it refers to (13) which is excluded scrap metal and thus is incorrect.

261.2(c), Table 1 Replace “Scrap metal other than excluded scrap metal (see 261.1(c)(9))” with “Scrap metal that is not excluded under 261.4(a)(13)”

261.3(a)(2)(iv)(A) Insert the word “spent” before the word solvents as shown which was omitted in error and is needed to indicate waste solvents rather than just solvents.

261.4(a)(17)(vi) Change the citation “(a)(7)” to “(b)(7)” which was incorrectly published in the final rule at 67 FR 11254 March 13, 2002.

261.5(e)(1) This section is referencing acute hazardous wastes so the reference to 261.32 needs to be removed because there are no acute hazardous wastes in 261.32

261.5(e)(2) This section is referencing acute hazardous wastes so the reference to 261.32 needs to be removed because there are no acute hazardous wastes in 261.32

261.5(e)(2) Comment - revise the Comment at the end of this section to correct the phrase from “generators of greater than 1,000 kg” to read: “generators of 1,000 kg or greater of hazardous waste” and to remove the redundant term “non-acutely” since this comment refers to non-acute hazardous wastes.

261.5(f) Change “...generator of acute hazardous wastes in quantities equal to or less than those set forth in paragraphs (e)(1) or (2) of this section...” to read: (e)(1) or (e)(2) to make sure (1) and (2) are both in part (e).

261.5(g) In the introduction, replace “less than 100 kilograms” with “100 kilograms or less” to clarify the requirements to be a conditionally exempt small quantity generator.

261.5(g)(2) Replace “between 100 kg and 1000 kg of hazardous waste” with “greater than 100 kg and less than 1000 kg of hazardous waste” to clarify the amount of hazardous waste a generator can generate in a calendar month and still be classified a small quantity generator.

261.6(a)(2) Revise subparts C through H” to read “subparts C through N”; add 268 to Parts 270 and 124” to clarify that the requirements of part 268 are applicable to the recycled wastes regulated under Part 266. The failure to cite 268 was an EPA oversight and this will correct that omission.

261.6(a)(2)(ii) Replace “for energy recovery” with “(as defined in section 266.100(a))” which expands the scope of the rule to include both energy and materials recovery. The change to include both took place in 1991 but this part failed to reflect the expanded scope of the regulations.

261.7(b)(1) Remove 261.32 because this reference is to acute hazardous wastes and currently there are no acute hazardous wastes listed in 261.32.

261.7(b)(3) Remove 261.32 because this reference is to acute hazardous wastes and currently there are no acute hazardous wastes listed in 261.32.

261.23(a)(8) Amend this paragraph to correct out of date cross-references to Class A and B explosives with the current DOT regulations relating to Class A and B explosives.

261.30(d) Remove “or 261.32” because this reference is to acute hazardous wastes and currently there are no acute hazardous wastes listed in 261.32.

261.32(a) table - Correct the misspelled chemical name “...carboxylic acid hydrazines” to read: “...carboxylic acid hydrazides”

26 PROPOSED REGULATIONS

261.33(f) Revise the listing for U239, “Benzene, dimethyl-(I,T) by removing the “T” because this chemical is listed only for ignitability and not for toxicity (“T”).

261 Appendix VII - remove the entries “K064,” “K065,” “K066,” “K090,” and “K091.” in May 1998, EPA removed these K-listed wastes from 261.32 but failed to make the changes in Appendix VII of 261. This will make that correction.

Add all of 262.23(f), (1), (i) - (ii), (2) through (4) for clarification in the use of the national manifest. The March 2005 manifest rule omitted requirements related to the use of a manifest in shipments of rejected hazardous wastes or non-empty containers of regulated residues as well as having an error regarding a designated facility’s preparation of a new manifest in certain returned shipment situations. The generator must confirm receipt of a returned shipment of rejected hazardous wastes by sending a copy of the final hazardous waste manifest that accompanied the shipment, whether it was a new manifest or a generator’s original manifest, to the designated facility. A shipment returned to the generator must be verified by the designated facility. To do so, the generator must send a copy of the final manifest signed and dated along with the returned shipment of rejected hazardous wastes or container residues, provide the transporter with a copy of the manifest and retain the manifest for three years. This requirement was discussed in the preamble of the proposed rule showing this was an intended requirement. 262.23(f)(1)-(4) sets out the specific requirements of this omission.

262.34(a)(4) Replace “268.7(a)(5)” with “all applicable requirements under Part 268.” This section relates to Land Disposal Restrictions (LDR). The limited reference to 268.7(a)(5) is in error because it only requires developing waste analysis plans but it needs to require large and small quantity generators to comply with all applicable regulations under Part 268.

262.34(b) Modify this section to clarify accumulation times.

262.34(c)(1) Add “264.31 or” before “261.33(e) and add “or (d)” after “(a)”. This revision clarifies that the satellite accumulation provisions for large quantity generators are also applicable to small quantity generators and that this provision applies to acutely hazardous wastes listed under 261.31. Before the revision, the requirements omitted text that made clear that the satellite accumulation provisions also are applicable to small quantity generators and to acutely hazardous waste.

262.34(c)(2). Add “261.31 or” before “261.33(e)” and change paragraphs (c)(1)(i) through (ii)” to read “paragraphs (c)(1)(i) and (ii). This revision clarifies that the satellite accumulation provisions for large quantity generators are also applicable to small quantity generators and that this provision applies to acutely hazardous wastes listed under 261.31.

262.34(d)(4) Replace 268.7(a)(5) with “all applicable requirements under Part 268.” to correct this section in the same manner as 262.34(a)(4) to require both large and small generators to comply with all applicable regulations under Part 268 and not just develop waste analysis plans.

262.42(a)(1) Replace “greater than 1,000 kilograms” with “1,000 kilograms or greater” - to clarify the amount of hazardous waste a generator must generate in a calendar month to be considered a large quantity generator.

262.42(a)(2) Replace “greater than 1,000 kilograms” with “1,000 kilograms or greater” the statement incorrectly describes the requirements applying to large quantity generators as having greater than 1000 kilograms of hazardous waste in a calendar month and it should say those generating 1000 kilograms or greater.

262.42(c) Add a new paragraph at (c), (c)(1) & (2) as well as Note to paragraph (c). This paragraph is added to require a generator to follow procedures with the provision that when a designated facility reships a generator's hazardous waste shipment of rejected loads or container residues to an alternate facility under a new manifest for further hazardous waste management and the specifics of this requirement.

262.60(b) This section is amended to replace "Subpart B" with 262.20. This will now read that facilities transporting or importing hazardous wastes must comply all of the requirements 262.20.

264.52(b) Remove "or part 1510 of chapter V" because part 1510 no longer exists.

264.56(d)(2) Remove the parenthetical phrase "(in the applicable regional contingency plan under part 1510 of this title)" because part 1510 no longer exists.

264.72(e)(6) At the end of the provision add: "and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest." This is done so that when a facility forwards shipments of rejected loads or container residues under a new manifest, it is important for the facility to send the generator a copy of the new manifest with the date on which the shipment was accepted by the transporter of the rejected load. Otherwise the generator cannot determine that the alternate facility received the shipment in the time frame required to fulfill the obligations under the Manifest rule. This section corrects that omission.

264.72(f)(1) This section is amended to have the designated facility enter its own information (instead of the generator's information) in Item 5 of the new manifest form when it originates the shipment of rejected hazardous waste or container residues to provide the most straightforward facility-to-generator tracking of waste shipments.

264.72(f)(7) When a designated facility uses the new manifest to return a full or partial load of rejected hazardous wastes or container residues, the generator must comply with the exemption reporting provisions of 262.42(a) and this paragraph will reference the requirements of (f)(8).

264.72(f)(8) Add a new provision at (f)(8) to require that a generator who has had a full or partial load rejected and returned requires the facility to comply with the exception reporting requirements in 262.42(a). The facility must file an exception report when a completed copy of the manifest is not received from the generator within 35 days of the date that the shipment was accepted by the initial transporter of the shipment to ensure that the shipment returned to the generator can be verified by the designated facility. This part of the Manifest rule was inadvertently omitted.

264.195(b) Completely revise this section by removing subparagraphs (b)(1)-(3) and incorporating the text from (b)(2) into the revised paragraph (b).

264.314(d) Change cross-references from "(e)(1)" to "(d)(1)" and "(e)(2)" to "(d)(2)" because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

264.316(b) Change cross-references from 264.314"(e)" to 264.314"(d)" because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

264.552(a)(3)(ii) Revise the citation from "264.314(d)" to "264.314(c)" because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

28 PROPOSED REGULATIONS

264.552(a)(3)(iii) Revise the citation 264.314(f) to read 264.314(e) because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

264.552(a)(3)(iv) Revise the citation “264.314(c)” to read “264.314(b)” and “264.314(e)” to read “264.314(d)” because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

264.552(e)(4)(iv)(F) Revise the citation from “260.11(a)(11)” to read “260.11(c)(3)(v).” The July 14, 2006 CFR corrections rule should have changed this reference to 260.11(c)(3)(v)

265.52(b) Remove “or part 1510 of chapter V” because part 1510 no longer exists.

265.72(e)(6) At the end of the provision add: “and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.” This is done so that when a facility forwards shipments of rejected loads or container residues under a new manifest, it is important for the facility to send the generator a copy of the new manifest with the date on which the shipment was accepted by the transporter of the rejected load. Otherwise the generator cannot determine that the alternate facility received the shipment in the time frame required to fulfill the obligations under the Manifest rule. This section corrects that omission.

265.72(f)(1) This section is being amended to have the designated facility enter its own information (instead of the generator’s information) in Item 5 of the new manifest form when it originates the shipment of rejected hazardous waste or container residues to provide the most straightforward facility-to-generator tracking of waste shipments.

265.72(f)(7) When a designated facility uses the new manifest to return a full or partial load of rejected hazardous wastes or container residues, the generator must comply with the exemption reporting provisions of 262.42(a) and this paragraph will reference the requirements of (f)(8).

265.72(f)(8) Add a new provision to correct an omission to require that a generator who has had a full or partial load rejected and returned requires the facility to comply with the exception reporting requirements in 262.42(a). The facility must file an exception report when a completed copy of the manifest is not received from the generator within 35 days of the date that the shipment was accepted by the initial transporter of the shipment to ensure that the shipment returned to the generator can be verified by the designated facility.

265.224 a section was added defining “Response Actions” (a) - (c) and the subparts of each section all remain the same. Immediately following 265.224 “Response Actions” is a section, 265.224 marked [Reserved]. The [Reserved] status was not removed and needs to be removed since there is now information at that location and the [Reserved] is no longer correct.

265.314(e) Correct cross references from “(f)(1)” to “(e)(1)” and “(f)(2)” to “(e)(2)” because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references.

265.314(f) was renumbered from the old 265.314(g). Parts (1) and (2) were to remain the same but were inadvertently removed by the West System in the Cumulative Supplement. Therefore, the current 265.314(f)(1) and (2) need to be reinserted into the text.

265.316(b) Correct cross references from “265.314(f)” to “265.314(e)” because the Burden Reduction rule deleted the obsolete paragraph (a) which then required the rest of the paragraphs (b) through (f) to be re-designated as (a) through (e) but failed to update the cross references. This corrects that cross reference.

266.20(b) At the end of the paragraph add a new phrase “and the recycler complies with 268.7(b)(6).”

268.7(b)(6) In the first part of the first sentence, the reference 268.20(b) should be changed to 266.20(b) to correct the cross reference.

268.40 table “Treatment Standards for Hazardous Wastes” for each of the following waste codes, K156, K157 and K158, in the Waste Description Column insert the parenthetical sentence, “(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)” This parenthetical sentence still exists in the table at 261.32 but was inadvertently deleted from 268.40 table for all three entries (K156 - 158).

268.48 In the table containing Universal Treatment Standards has an entry for:

Hexachloropropylene 1888-71-7 0.035 30

Correct the spelling of Hexachloropropylene by adding an “l” between the y and e in propylene

270.4(a) Redesignate the numbering of this section as follows: paragraph (a) becomes (a)(1); (a)(1) becomes (a)(1)(i); (a)(2) becomes (a)(1)(ii); (a)(3) becomes (a)(1)(iii); (a)(4) becomes (a)(1)(iv); then add paragraph (a)(2) which will reinstate information that was in a sentence that was inadvertently deleted December 1, 1987.

270.22 in the introductory paragraph, replace “62.1210(b)” with “62.1210(d)” to correct cross reference. The rest of the paragraph following the corrected citation remains the same.

270.25(e)(3) Remove the word “design” after “basic control device”. The rest of the paragraph remains the same.

270.42(k)(2)(ii) Replace “Director” with “Department” to indicate the state program rather than the Director of the EPA.

270.62 Introductory paragraph Replace “63.1210(b)” with “63.1210(d)” after the first parenthetical statement to correct cross reference as shown:

(4) The Department is proposing to amend R.61-79 to correct errors and omissions in the previously adopted National Manifest Final Rule at 70 FR 10776 (March 4, 2005), which was published as a final regulation in the S.C. State Register on May 28, 2010 in Document 4080.

262.21(b)(6) Add the omitted language to provide examples of what can be used to support the qualifications of a company being chosen to print the manifest.

262.21(c) Add language defining EPA’s actions after reviewing an application for a printer of the manifest.

262.21(d)(1) - (2)(i) Add details for EPA’s approval of a printer of the manifest.

262.21(d)(3) Add details for continuation sheet printing.

262.21(e) Add details of printing requirements and how to get EPA’s approval for a company to print manifests.

262.21(f)(1)-(6), (6)(i) and (vi) Add language to provide details of the manifest. The rest of the section remains the same.

262.21(h)(1)-(3) Add instructions for updating an application and the resulting approval process.

30 PROPOSED REGULATIONS

262.21(i)-(l) language is added to clarify the printing requirements and approval process.

262.21(m)(1) & (i) Define details of the printing process that could result in EPA's revocation of printing privileges.

262.23(f) This is an EPA correction. Insert paragraph (f) and (1) - (4) to add requirements that were inadvertently omitted in the March 2005 manifest rule. This paragraph adds requirements for shipments of rejected hazardous waste or non-empty containers containing regulated residues called "container residues". This part also corrects an error regarding a designated facility's preparation of a new manifest in certain returned shipment situations. . **Part (f) is inserted after "Note:" that reads in part: "See 263.20(e) and (f) for special provisions"**

262.32(b) Add details of changes required for marking containers.

264.72(e)(6) adds instructions on how to determine to whom a copy of the certification that the waste was properly packaged and labeled should be sent.

264.72(f)(1) Change "generator's" to "facility's" name and address in three places for filling out the new manifest and add "of the new manifest" at the end of the last sentence after "in the designated space for Item 5".

264.72(f)(7) and (8). Correct language to enable the addition of paragraph number (8) to paragraphs (1) through (7) that must be complied with.

265.72(e)(6) section is added at end of sentence to determine where on the signed copy of the new manifest to find the generator's name that the copy is to be mailed to.

265.72(f)(1) Delete "generator's" and replace with "facility's" name throughout paragraph and add "of the new manifest" after the word "item 5."

265.72(f)(7) Make corrections for two omissions that were made in this section: 18(a) was omitted in the first sentence after the words: "completing Item" and in the last sentence after "and (6)"; delete the "and" prior to (6) and add ", and (8)" after the (6).

265.72(f)(8) This whole section, (f)(8) was omitted so insert the entire section

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-79 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on September 13, 2012. The public hearing will be held in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department 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 during a public comment period by writing to Richard Haynes, Director, Division of Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00

p.m. on August 27, 2012, the close of the public comment period. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing before the Board as noticed above.

Information or copies of the proposed text for public notice and comment may be obtained in the Department's *Regulation Development Update* under the Land and Waste Category at: <http://www.scdhec.gov/environment/lwm/regulatory.htm> or on the Department's Land and Waste website or by calling David Scaturro at (803) 896-4185.

Public comments received during the public comment period shall be submitted to the Board of Health and Environmental Control in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed above for September 13, 2012.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with SC Code Ann. Section 1-23-115(c)(1)-(3) and (9)-(11), S.C. Code of Laws, 1976, as amended.

DESCRIPTION OF REGULATION: Proposed amendment of R.61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to maintain State consistency with regulations of the United States Environmental Protection Agency (EPA), which promulgated amendments to 40 CFR 261 through 270, between July 1, 2009 and June 30, 2010. The Department also proposes to correct minor errors and insert language into the National Manifest requirements that was inadvertently omitted when it was originally adopted.

Legal Authority: South Carolina Hazardous Waste Management Act, 1976 S.C. Code Ann. Section 44-56-10 et seq., S.C. Code of Laws, 1976, as amended.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control and publication in the State Register as a final regulation, amended regulations will be provided in hard copy and electronic formats to the community at cost through the Department's Freedom of Information Office and at the SCDHEC Bureau of Land and Waste Management web site.

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

Adoption of the proposed amendments and corrections to R.61-79 will enable compliance with recent federal amendments. See Purpose above.

DETERMINATION OF COSTS AND BENEFITS:

This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal regulations and law.

(1) The OECD Rule will be managed at the national level, because the federal government manages import and export requirements but the states are required to adopt the rule into state regulations.

(2) The Emission Comparable Fuel (ECF) exclusion will be removed and ECF will be regulated as a hazardous waste while the exclusions for comparable fuel and synthesis gas are not affected.

32 PROPOSED REGULATIONS

(3) The technical corrections section will have no costs associated with the corrections and potentially could save money by keeping costly mistakes from occurring.

(4) The correction of the omission of some of the language of the National Manifest Rule will have no costs associated with the corrections and will assure the National Manifest Rule will be written and implemented as intended.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

(1) The OECD Rule: the federal government has authority for all import/export of hazardous waste. States are required to adopt the rule into state regulation to make sure each state knows how to implement the rule at the state level and how to handle the import/export of hazardous waste correctly.

(2) The Withdrawal of the Emission Comparable Fuel Exclusion is being done because EPA felt the ECF produced from secondary materials is more appropriately classified as a discarded material and regulated as a hazardous waste under RCRA. The exclusions for comparable fuel and synthesis gas fuel remain unchanged.

(3) Hazardous Waste Technical Corrections and Clarifications, are being adopted in an effort to maintain good governmental practices, regulations need to be updated to make sure cross references and citations are correct. The technical corrections being promulgated assure that the regulations reference the correct citations and that changes that have occurred over time are accurately reflected in regulation.

(4) National Manifest Rule. The goal of the RCRA regulation was to track hazardous waste from the point of generation to the grave. Previously, each state had its own state manifest system. In passing the National Manifest Rule, EPA was attempting to have one standard for documenting the shipping of hazardous waste throughout the country. In today's action, language that was inadvertently omitted in the state's adoption of the national rule is being corrected, resulting in avoiding the mishandling of transporting hazardous waste.

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

(1) The OECD Rule. If the OECD Rule is not adopted, it could lead to mishandling and reporting of the import/export of hazardous waste at the state level. While the export and import of hazardous waste is managed at the national level, the states need to incorporate the rule into state regulation to assure procedures are followed to facilitate proper and safe management of the import and export of hazardous waste

(2) Withdrawal of the ECF Exclusion. If this rule is not adopted, fuel that should be handled as hazardous waste will not be subject to being managed as a hazardous waste, subjecting the population and the environment to exposure to hazardous waste.

(3) Hazardous Waste Technical Corrections and Clarifications. If these corrections are not adopted, errors could be made in the management of hazardous waste, needlessly exposing people and the environment to the dangers of hazardous waste.

(4) National Manifest Rule. If this rule is not adopted, errors could be made in the documentation of the transportation of hazardous waste leading to potential harm to the transporter, the public and the environment.

Text:

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