

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2008 PUBLICATION SCHEDULE

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

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

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

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

DOC No.	RAT No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
3202			Requirements for Licensure as a Physical Therapist	2/11/09	LLR - Board of Physical Therapy Examiners
3201			Mobile Dental Facilities and Portable Dental Operations	2/12/09	LLR - Board of Dentistry
3196			S.C. National Guard College Assistance Program	3/03/09	Commission on Higher Education
3206			Application, Renewal and Continuing Education	3/11/09	LLR - Board of Chiropractic Examiners
3207			Board of Veterinary Medical Examiners Chapter Revision	3/11/09	LLR - Bd of Veterinary Medical Examiners
3204			Licensing Standards for Continuing Care		
			Retirement Communities	3/12/09	Department of Consumer Affairs
3199			South Carolina Trauma Care Systems	3/12/09	Department of Health and Envir Control
3209			Operation of Public Pupil Transportation Services	4/07/09	State Board of Education
3214			Fire Prevention and Life Safety	4/22/09	LLR - Office of State Fire Marshal
3215			Fire Prevention and Life Safety for Special Occupancies	4/22/09	LLR - Office of State Fire Marshal
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			Extinguishing Systems	4/22/09	LLR - Office of State Fire Marshal
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3219			Fireworks and Pyrotechnics	4/22/09	LLR - Office of State Fire Marshal
3220			Fire Prevention and Life Safety in Local Detention Facilities	4/22/09	LLR - Office of State Fire Marshal
3213			Annual Audited Financial Reporting Regulation	4/30/09	Department of Insurance
3208			Contact Information from Traffic Stops	5/13/09	Department of Public Safety
3205			Tax Credits for Fortification Measures	5/13/09	Department of Insurance
3197			Annual Reporting Requirements for Designated Eligible		
			Telecommunications Carriers	5/13/09	Public Service Commission
3203			Telephone Utilities Offering Regulated Prepaid Local		
			Exchange Services and Bonds	5/13/09	Public Service Commission
Committee Requested Withdrawal:					
3166			SCDOT Chief Internal Auditor		Department of Transportation
3184			Restructuring ATF Regulations - Pyrotechnic Safety		LLR - Board of Pyrotechnic Safety

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: www.scstatehouse.net

DOC No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
3202	Requirements for Licensure as a Physical Therapist	Medical, Military, Pub & Mun Affairs	Medical Affairs
3201	Mobile Dental Facilities and Portable Dental Operations	Medical, Military, Pub & Mun Affairs	Medical Affairs
3196	S.C. National Guard College Assistance Program	Education and Public Works	Education
3206	Application, Renewal and Continuing Education	Medical, Military, Pub & Mun Affairs	Medical Affairs
3207	Board of Veterinary Medical Examiners Chapter Revision	Agriculture and Natural Resources	Labor, Commerce and Industry
3204	Licensing Standards for Continuing Care Retirement Communities	Medical, Military, Pub & Mun Affairs	Medical Affairs
3199	South Carolina Trauma Care Systems	Medical, Military, Pub & Mun Affairs	Medical Affairs
3209	Operation of Public Pupil Transportation Services	Education and Public Works	Education
3214	Fire Prevention and Life Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
3215	Fire Prevention and Life Safety for Special Occupancies	Labor, Commerce and Industry	Labor, Commerce and Industry
3216	Explosives	Labor, Commerce and Industry	Labor, Commerce and Industry
3217	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	Labor, Commerce and Industry	Labor, Commerce and Industry
3218	Liquefied Petroleum (LP) Gas	Labor, Commerce and Industry	Labor, Commerce and Industry
3219	Fireworks and Pyrotechnics	Labor, Commerce and Industry	Labor, Commerce and Industry
3220	Fire Prevention and Life Safety in Local Detention Facilities	Labor, Commerce and Industry	Labor, Commerce and Industry
3213	Annual Audited Financial Reporting Regulation	Labor, Commerce and Industry	Banking and Insurance
3208	Contact Information from Traffic Stops		
3205	Tax Credits for Fortification Measures		
3197	Annual Reporting Requirements for Designated Eligible Telecommunications Carriers		
3203	Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds		
Committee Requested Withdrawal:			
3166	SCDOT Chief Internal Auditor	Education and Public Works	Transportation
3184	Restructuring ATF Regulations - Pyrotechnic Safety	Labor, Commerce and Industry	Labor, Commerce and Industry

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication October 24, 2008, 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. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Greenville County

Conversion of twenty-two (22) of the forty-four (44) institutional nursing home beds to non-institutional nursing home beds previously approved in SC-07-41 located on the campus of The Cascades Verdae, a continuing care retirement community; the twenty-two (22) non institutional beds will not participate in the Medicaid Title (XIX) program

Skilled Nursing Center at the Cascades Verdae

Greenville, South Carolina

Project Cost: \$6,800,750.58

Construction of new space and renovation of existing space previously approved in SC-05-54 for the addition of twenty-three (23) psychiatric beds resulting in a total bed capacity of ninety nine (99) psychiatric beds and thirteen (13) substance abuse beds; other additions to the facility will include an adolescent courtyard, expanding parking area, and an electroconvulsive (ECT) suite

The Carolina Center for Behavioral Health

Greer, South Carolina

Project Cost: \$6,343,431

Affecting Greenwood County

Construction and renovation for the expansion of the cancer center that involves the consolidation of the Chemotherapy, Outpatient Infusion, Radiation Therapy and Medical Oncology Departments; modernization to the main wing of the first floor to include developmental support services space; and the replacement of an existing linear accelerator for a continued total of two (2) linear accelerators

Self Regional Healthcare

Greenwood, South Carolina

Project Cost: \$26,508,521

Affecting Laurens County

Change of licensure of nine (9) of the existing sixty-six (66) institutional nursing home beds that do not provide a community service resulting in a total licensed bed capacity of fifty-seven (57) institutional nursing home beds and nine (9) nursing home beds that will not participate in the Medicaid (Title XIX) Program

Presbyterian Home of South Carolina—Clinton

Clinton, South Carolina

Project Cost: \$0

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Affecting Richland County

Replacement of the existing 0.3T Magnetic Resonance Imaging (MRI) unit issued under NA-07-17 with a refurbished 1.5T MRI unit

The Columbia Medical Group, P.A

Columbia, South Carolina

Project Cost: \$751,199

Affecting Spartanburg County

Establishment of the Regional Outpatient Center – North Grove through the acquisition of Suite 1500 at North Grove Diagnostic Center; establishment of Magnetic Resonance Imaging (MRI) services at the Village Hospital by the relocation of an existing modular MRI unit at the existing North Grove facility

Spartanburg Regional Healthcare System d/b/a Regional Outpatient Center at North Grove

Spartanburg, South Carolina

Project Cost: 16,403,067

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning October 24, 2008. "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. For further information call (803) 545-4200.

Affecting Charleston County

Transfer of two (2) operating rooms (ORs) from Roper West Ashley Surgery Center to Roper St. Francis James Island Surgery Center for a total of three (3) ORs at Roper West Ashley Surgery Center and four (4) ORs at Roper St. Francis Island Surgery Center

Roper St. Francis James Island Surgery Center

Charleston, South Carolina

Project Cost: \$1,387,221

Affecting Spartanburg County

Addition of a second da Vinci Surgical System.

Spartanburg Regional Medical Center

Spartanburg, South Carolina

Project Cost: \$1,632,400

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

CORRECTION AND EXTENSION OF PUBLIC COMMENT PERIOD

Development of Registration Permits:

The South Carolina Department of Health and Environmental Control (Department) proposes to develop "Registration Permits" applicable to similar sources as provided under S.C. Regulation 61-62.1, Section II (I). Registration permits developed shall specify compliance with all requirements applicable to the construction or operation of that specific category of stationary sources and shall identify criteria by which sources may qualify for the registration permit. A source that qualifies may elect to apply to the Department for coverage under a registration permit in lieu of a construction and operating permit as provided in Regulation 61-62.1, Section II (A) and (F).

This general notice inviting public comment was initially published in the S.C. State Register on September 26, 2008. However, the deadline date listed in that notice published on September 26 for receipt of public comments was October 27, 2009, and should have been October 27, 2008. This current notice published in the State Register October 24, 2008, is to correct the error in date and to extend the public comment period as noticed below:

Interested persons are invited to present their views in writing to Stuart Latta; Engineering Services Division, Bureau of Air Quality; 2600 Bull Street; Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Monday, November 24, 2008, the close of this extended comment period. For more details, please go to our website at <http://www.scdhec.gov/environment/baq/> under What's the Latest.

Synopsis:

Pursuant to section 112(c)(3) of the federal Clean Air Act, the United States Environmental Protection Agency (EPA) has promulgated regulations for categories or subcategories of "Area Sources" under 40 CFR Part 63 - National Emission Standards for Hazardous Air Pollutants for Affected Source Categories. An "Area Source" is any stationary source of hazardous air pollutants that is not a major source as defined in S.C. Regulation 61-62.70, Title V Operating Permit Program; S.C. Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration; and S.C. Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review. The Department is required to develop and implement a program for the enforcement of these "Area Source" emission standards and requirements to assure compliance by all affected sources within the state.

The Department is considering the development and implementation of a "Registration Permit Program" for "Area Source" categories or subcategories with uncontrolled potential to emit less than the threshold for major source groups, and where equipment similarities and simplicity remove the need for in depth site-specific review, for the following EPA regulations promulgated under 40 CFR Part 63:

1. Subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
2. Subpart WWWW - National Emission Standards for Hospital Ethylene Oxide Sterilizers.
3. Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.
4. Subpart BBBB - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.
5. Subpart CCCC - National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

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6. Subpart DDDDDD - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources.

7. Subpart HHHHHH - National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.

8. Subpart LLLLLL - National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources.

9. Subpart OOOOOO - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources.

10. Subpart PPPPPP - National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources.

11. Subpart QQQQQQ - National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources.

12. Subpart RRRRRR - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources.

13. Subpart TTTTTT - National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources.

14. Subpart WWWWWW - National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

15. Subpart XXXXXX - National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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

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 November 24, 2008 to:

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

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

Class I

Stantec Consulting Corporation
Attn: Ryan Turner
801 Jones Franklin Rd, Ste 300
Raleigh, NC 27606

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the South Carolina Code of Laws, 1976 as amended, the Code Study Committee (Committee) for the South Carolina Building Codes Council (Council) will convene for the purpose of hearing three modifications proposed for the 2008 Edition of the National Electrical Code. The modifications include:

1. Section 90.2 (B) (5) (b) – add the words “or by other agreements either” so the section will read, “Installations under the exclusive control of an electric utility where such installations (b) are located in legally established easements, rights of way or by other agreements either designated by or recognized by public service commissions, utility commissions or other regulatory agencies having jurisdiction for such installations.”

2. Section 210.12 (B) – delete the words “family rooms, living rooms, parlors, libraries, dens, sun rooms, recreation rooms or similar rooms” so the section will read, “All 120 volt single phase, 15 and 20 ampere branch circuits supplying outlets installed in dwelling unit bedrooms shall be protected by a listed arc fault circuit interrupter, combination-type, installed to provide protection of the branch circuit.”

3. Section 406.11 – delete the words “Tamper Resistant Receptacles in Dwelling Units. In all areas specified in 210.52, all 125 volt, 15 and 20 ampere receptacles shall be listed tamper resistant receptacles.”

The Committee is scheduled to meet November 19, 2008, at 1:00 p.m. in Room 108 of the Kingtree Building, 110 Centerview Drive, Columbia, South Carolina.

The Council specifically requests that any person intending to appear before the Committee or present written evidence or comments concerning the proposed modifications, provide prior notice. A notice of intent to appear or written comments may be submitted to Gary F. Wiggins, Council Administrator, by mail; Post Office Box 11329, Columbia, SC 29211-1329, or by E-mail; wigginsg@llr.sc.gov, on or before November 5, 2008.

8 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 17, Standard for Dry Chemical Extinguishing Systems, 2009 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Rules and Regulation 71-8307.3(A)(9)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 17A, Standard for Wet Chemical Extinguishing Systems, 2009 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Rules and Regulation 71-8307.3(A)(9)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 54, National Fuel Gas Code, 2009 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws Section 40-82-70

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 59, Utility LP-Gas Plant Code, 2008 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by: South Carolina Code of Laws Section 40-82-70

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

10 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF STATE FIRE MARSHAL

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal intends to adopt the latest edition of the following nationally recognized code.

1. National Fire Protection Association 101, Life Safety Code, 2009 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. The code is referenced by:
South Carolina Code of Laws, Section 23-45-140
South Carolina Rules and Regulations 71-8300.11(D)(2)(d)
South Carolina Rules and Regulations 71-8300.11(E)(6)(b)(l)
South Carolina Rules and Regulations 71-8300.11(E)(7)(b)(l)
South Carolina Rules and Regulations 71-8300.11(F)(1)(c)
South Carolina Rules and Regulations 71-8300.12(B)

The Office of State Fire Marshal specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to John Reich at 141 Monticello Trail, Columbia, SC 29203, by fax at 803-896-9806, or by e-mail to reichj@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Office of State Fire Marshal will promulgate this latest edition without amendment.

STATE BOARD OF EDUCATION**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60 and Section 59-31-310

Notice of Drafting:

The Office of School Food Services and Nutrition proposes amendments to 43-168, Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods, to ensure that school meals meet nutrition standards for saturated fat, vitamins, minerals, protein, calories, and portion sizes.

Interested parties should submit written comments to Todd A. Bedenbaugh, Interim Director, Office of School Food Services and Nutrition, 3710 Landmark Drive, Suite 300, Columbia, SC 2920, or by e-mail to TABedenb@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on Monday, November 24, 2008, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with federal law—specifically the nation School Lunch Act (42 U.S.C. Section 1758(f), the National School Lunch Program (7 C.F.R. Section 210.10, and the School Breakfast Program (7 C.F.R Section 220.8)—regulates the nutritional quality of food served in the nation’s school meal program. For a school meal program to receive USDA subsidies, school meals must meet nutrition standards for saturated fat, vitamins, minerals, protein, calories, and portion sizes.

In order for school districts to apply for a federal grant, they need to offer a minimum of two milk choices; 1 percent fat, and nonfat milk) for all grades levels at breakfast and lunch.

This regulation will not require legislative action.

STATE BOARD OF EDUCATION**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60 and 59-20-60

Notice of Drafting:

The State Board of Education proposes to promulgate amendments to Regulation 43-260, Use and Dissemination of Test Results. Interested persons may submit comments to Elizabeth Jones, Director of the Office of Assessment, Division of Accountability, South Carolina Department of Education, 1429 Senate Street, Rutledge Building, Room 603-G, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov. To be considered, comments must be received no later than 5:00 P.M., November 25, 2008, the close of the drafting comment period.

Synopsis:

The Regulation 43-260 is being promulgated to delete references to BSAP and add language to conform with amendments to EAA.

Legislative review of these amendments will be required.

12 DRAFTING

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-10, 38-3-110, 38-57-40, 38-63-10, 38-65-10, and 38-69-10

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-39, Annuity and Deposit Fund Disclosure Regulation. Interested persons should submit their comments in writing to: Leslie M. Jones, Deputy Director & Consulting Actuary, South Carolina Department of Insurance, 145 King Street, Suite 207, Charleston, South Carolina 29401. To be considered, comments must be received no later than 5:00 p.m. on November 24, 2008, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to update and clarify Regulation 69-39, Annuity and Deposit Fund Disclosure Regulation. Proposed amendments to Regulation 69-39, Annuity and Deposit Fund Disclosure Regulation will be based upon the current NAIC Annuity and Deposit Fund Disclosure Regulation Model Regulation.

The proposed regulation will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Notice of Drafting:

The Commissioners of Pilotage proposes to revise Regulations 136-013, 136-020, 136-070, and 136-099 by updating the regulations in conformance with 2006 Act 237. Written comments can be submitted to Randall L. Bryant, Board Administrator, at 110 Centerview Drive, 2nd Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of these regulations is to amend and update the regulations in conformance with 2006 Act 237 and public comment.

Document No. 4025
CLEMSON UNIVERSITY
LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. Meat Inspection Regulations

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 22, 2008.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 1, 2008 at 10:00 a.m. If no request is received by November 24, 2008 the hearing will be canceled. Written comments may be directed to Dr. Daniel E. Lafontaine, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 24, 2008.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Section 47-4-30, 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

14 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

Document No. 4024

CLEMSON UNIVERSITY

LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. Poultry Inspection Regulations

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 22, 2008.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on December 1, 2008 at 10:00 a.m. If no request is received by November 24, 2008 the hearing will be canceled. Written comments may be directed to Dr. Daniel E. Lafontaine, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 24, 2008.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Inspection Regulations.

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Section 47-4-30, 47-19-30 and 47-19-170.

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

None.

Text:

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

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Document No. 4029
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-330, 59-18-340, 59-20-60,
and 20 U.S.C. 6301 et seq.

43-262. Assessment Program

Preamble:

The State Board of Education proposes to amend R 43-262 in response to amendments to the Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 (Supp. 2008).

Section-by-Section Discussion

Section I(A)	Deletes the reference to the Basic Skills Assessment Program legislation of 1978 (BSAP). Updates reference to the Education Accountability Act.
Section I(B)	Deletes reference to BSAP legislation. Deletes reference to the Palmetto Achievement Challenge Tests. Changing wording of agency to South Carolina Department of Education and deleting the word State. Adds the Palmetto Assessment of State Standards (PASS) and South Carolina Alternate Assessment (SC-Alt).
Section I(D-E)(2)(3)(4)	Changing wording of agency to South Carolina Department of Education and deleting the word State.
Section II(A)	Deletes reference to the Basic Skills Assessment Program (BSAP).
Section II(B)(A)	Letter B now changes to A and updates reference to the Education Accountability Act.
	Deletes references to an exit examination in science and social studies.
Section II(C)(B)	Letter C now changes to B. Deletes the word “ modifications.”
Section II(D)(C)	Letter D now changes to C. Changing wording of agency to South Carolina Department of Education and deleting the word State.
Section II(E)(D)	Letter E now changes to D. Deletes the word “ four” and adds the word “five.”
Section II(F)(E)	Letter F now changes to E. Inserting the language from Section II(F)(2).
Section II(F)(E)(1)	Reference to the BSAP exit examination has been deleted.
Section II(F)(E)(2)	Deletes and adds language to Section II(E). Deletes “modifications.” Deletes HSAP-Alt (test no longer used) and adds SC-Alt.
Section II(G)(F)	Letter G now changes to F.
Section II(H)(G)(1)	Letter H now changes to G. Change wording of agency to South Carolina Department of Education and deleting the word State.
Section II (G)(3)(4)	
(5)(6)(b)	Removes the wording “exit examination” and adds “HSAP.”
Section III	Deletes reference to the Readiness Tests for First and Second Grade.
Section IV	Deletes reference to the Norm Referenced Test.
Section V (III)	Section V changes to Section III. Deletes references to reading and mathematics in grades 4 and 8.

Notice of Public Hearing and Opportunity for Public Comment:

A hearing pursuant to South Carolina Code Ann. Section 1-23-110(A)(3), as amended, will be held on December 10, 2008 at 10:00 a.m. in the Rutledge Conference Center, Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to provide written copies of their presentation for the record.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing should be submitted to the Division of Accountability, Attn: Elizabeth Jones,

Rutledge Building, Room 603-G, 1429 Senate Street, Columbia, SC 29201, or ejones@ed.sc.gov, on or before 5:00 p.m. on November 24, 2008. Copies of the text of the proposed amendments for public notice and comment are available at <http://www.ed.sc.gov/agency/stateboard>.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the state and its political subdivision in complying with the proposed revisions to R 43-262.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Board of Education Regulation 43-262, Assessment Program.

Purpose: These regulations are proposed to comply with current state and federal legislation.

Legal Authority: S.C. Code Ann. Sections 59-5-60(1) (2004), 59-18-310 (2004), 59-18-320 (2004), 59-18-330 (2004), 59-18-340 (2004), 59-20-60(7)(c) (2004), and 20 U.S.C. § 6301 et seq. (2002)

Plan for Implementation: The proposed amendments would be incorporated within R 43-262 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the school districts. The proposed amendments will benefit students, schools, districts, and the state.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The Education Accountability Act of 1998 (EAA), S.C. Code Ann. § 59-18-310 Supp. 2008), and the No Child Left Behind Act of 2001, 20 U.S.C. § 6301, et seq. (2002) (NCLB) require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas.

18 PROPOSED REGULATIONS

Text:

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

Document No. 4028

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-40-10 et seq.

43-600. Charter School Appeals

Preamble:

The Department of Education proposes to repeal S.C. Code Ann. Regs. 43-600. S.C. Code Ann. Section 59-40-70 was amended to provide that any appeals by a charter school applicant or a local school board of trustees with respect to an application are to be appealed to the Administrative Law Court rather than the State Board of Education.

Notice of Drafting for the proposed repeal was published in the State Register on July 25, 2008.

Section by Section Discussion

43-600. Repealed in its entirety.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on December 10, 2008, at 10:00 am in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed repeal will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://dev.ed.sc.gov/agency/stateboard/regs/changed/2009/>.

Written comments should be submitted to Shelly Bezanson Kelly, General Counsel, Office of General Counsel, South Carolina Department of Education, 1429 Senate Street, Columbia, SC 29201, on or before 5:00 pm on November 24, 2008.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Charter School Appeals

Purpose: The regulation governs the procedures by which someone appeals an adverse decision regarding a charter school to the State Board of Education.

Legal Authority: 1976 Code Sections 59-5-60 (2004) and 59-40-10, et seq. (Supp. 2007).

Plans for Implementation: The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

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

This regulation outlines the procedure for appeal to the State Board of Education in charter school cases. The law was amended in 2008 to transfer those appeals to the Administrative Law Court; therefore, this regulation is no longer necessary.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The law was amended in 2008 to transfer those appeals to the Administrative Law Court; therefore, this regulation is no longer necessary.

Text:

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

Document No. 4026
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-40-10 et seq.

43-601. Procedures and Standards for Review of Charter School Applications

Preamble:

The State Board of Education has authority to promulgate regulations to set the standards for charter schools and to define and regulate virtual charter schools. The proposed amendments to Regulation 43-601 amend the standards to conform to changes in state law, add clarification, and to define virtual charter schools.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed amendments was published in the South Carolina State Register on August 22, 2008.

20 PROPOSED REGULATIONS

Section by Section Discussion

Section I:	Added section to include definitions
Section II:	Renumbered section
Section II(A)	Added language to address the Advisory Committee's review of the quality of application and obligation to give a recommendation regarding the application
Section II(B)	An application timeline is added
Sections II(C)&(D)	Renumbered
Section III(B)(2)	Added a statement clarifying enrollment eligibility of students for schools sponsored by the South Carolina Public Charter School District
Section III(B)(3)(a):	Added the words "or previously enrolled" to conform to changes in the statute
Section III(B)(3)(c):	Added the words "of children of charter school committee members" for clarification
Section III(B)(5):	Added statement that the section was not applicable to the South Carolina Public Charter School District schools
Section III(B)(6):	Replaced "local school board of trustees" with "sponsor" for clarity
Section III(D)(2):	No Editorial change
Section III(D)(7):	Added the words "as applicable" and made an editorial change
Section III(F)(1):	Changed requirement for budget from "each term" to first five years
Section III(F)(2):	Changed name of Office of Finance
Section III(K)(1)(C):	Clarified that charter schools are subject to the requirements of the South Carolina School Facility Planning and Construction Guide as they relate to charter schools
Section III(L)(b):	Addressed a certification issue for non-ADEPT schools
Section III(P):	Editorial changes
Section IV:	This section is added to provide additional standards related to virtual charter schools to reflect a recent change in the law.
Section V:	Numbering change
Section V:	Added language to require local school districts to specify in writing the conditions necessary for approval and the date by which the conditions must be met
Sections VI & VII:	Numbering change

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina State Board of Education on December 10, 2008, at 10:00 a.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. Persons desiring to make oral comments at the hearing are asked to limit their statements in five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the changes click on the attached link <http://dev.ed.sc.gov/agency/stateboard/regs/changed/2009/>.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Joel Medley, Office of Public School Choice, South Carolina Department of Education, 1429 Senate Street, Room 605B, Columbia, SC 29201 or jmedley@ed.sc.gov. Comments must be received no later than 5:00 p.m. on November 24, 2008. Comments received shall be considering by the staff in formulating the final proposed regulation for the public hearing on December 10, 2008.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-601. Procedures and Standards for Review of Charter School Applications.

Purpose: 43-601. Procedures and Standards for Review of Charter School Applications, provides the standards for charter schools and provides guidance for the Charter School Advisory Committee to use in evaluating charter school applications.

Legal Authority: The legal authority for R 43-601 is Sections 59-5-60 (2004) and 59-40-10, et seq. (Supp. 2007).

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

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

This regulation requires amendment because of recent changes to the charter schools act. The most significant change is the addition of the section addressing virtual charter schools. Virtual charter schools are now permitted by state law. In addition to this section, a timeline for applications to be submitted to the Advisory Committee was also added to address the needs of the sponsoring school districts.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state in repealing this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Revisions to the Regulation Procedures and Standards for Review of Charter School Applications needs to be amended to comply with changes made to the law.

Text:

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

22 PROPOSED REGULATIONS

Document No. 4027
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-24-40

43-165.1. Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)

Preamble:

This regulation needs to be revised to remove outdated verbiage, update and clarify current responsibilities and procedures of school districts and the South Carolina Department of Education, reflect the revisions to the national Interstate School Leaders Licensure Consortium (ISLLC) standards, and allow for general collection of principals' demographic data for purposes of pre-service and in-service of principals.

Section-by-Section Discussion

Section I. **PURPOSE.** Changes to this section update terminology (e.g., "state" Department of Education is now "South Carolina" Department of Education). Added to this section is an emphasis that principal evaluations are not only used for reemployment decisions but also to assist districts and the Office of School Leadership in developing principals' leadership skills.

Section II. **DEFINITIONS FOR THE PURPOSES OF THIS EVALUATION PROGRAM.** Terminology (e.g., "Leadership Academy" is now "Office of School Leadership") was updated. Definitions have been clarified according to what our focus groups (representing superintendents, human resources directors, principals, university education professors, SCDE staff) told us was unclear in the original regulation. Some terms (such as interim and experienced) were clarified using language from the statute. Under "C", the alternative evaluation process was clarified, according to current statute and practice by the SCDE since 2001. Under "D", statute states that principals must be evaluated at least every three years.

Section III. **PARTICIPATION.** Some districts have requested that their principals (who are new to South Carolina but have out-of-state experience) be allowed to participate in the South Carolina Principal Induction Program, in order to become familiar with South Carolina procedures. In this section, district personnel asked that we clarify expectations that supervisors of principals conduct mid-year and end-of-year conferences with principals. These district personnel (superintendents and human resources directors) recommended that interim principals not enter the formal evaluation cycle until their second year (after the Principal Induction Program is completed). Regarding experienced principals, the focus groups asked that emphasis be given to providing informal feedback annually, with at least mid and end-of-year conferences, even though formal evaluations are required only every three years; the current PADEPP regulation and PADEPP training of supervisors currently emphasize that feedback be given each year. The superintendents and human resources directors recommended that experienced principals new to our state be evaluated the first year of their principalship in South Carolina.

Section IV. **PERFORMANCE STANDARDS AND CRITERIA.** The revised regulation removes the performance standards and criteria from the regulation. The wording in the revised regulation mirrors the language in the Assisting, Developing and Evaluating Professional Teaching (ADEPT) regulation.

The South Carolina standards are based upon the ISLLC (Interstate School Leaders Licensure Consortium) standards which were revised nationally in January 2008. Even though substantial changes were not made to the 1996 ISLLC standards, minor changes will be recommended in the

near future to the South Carolina Performance Standards' Criteria (e.g., to reflect the new EEDA requirements passed by the South Carolina General Assembly). Therefore, the South Carolina Performance Standards and Criteria will be placed in PADEPP Implementation Guidelines; these implementation guidelines, as well as any changes to these guidelines in the future, would require approval by the State Board of Education.

Section V. FORMAL EVALUATION PROCESS. The revised wording was recommended by the focus group of district, university, and SCDE personnel. Procedures were clarified.

Section VI. DISTRICT RESPONSIBILITIES

Section VII. SOUTH CAROLINA DEPARTMENT OF EDUCATION RESPONSIBILITIES. The last two sections (VI and VII) clarify the responsibilities of both the district and the South Carolina Department of Education. All wording was moved from other sections of the original regulation, with one exception. In VI.E., the words "and required principal evaluation data" are new to the regulation. In order to prepare highly-qualified principals in the future, the South Carolina Department of Education may need to collect general performance information from districts in order to give feedback to South Carolina universities' principal preparation programs.

Notice of Drafting for the proposed amendments was published in the State Register on June 27, 2008.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation 43-165.1 at a public hearing to be conducted by the State Board of Education on December 10, 2008, at 10:00 a.m., at the Rutledge Conference Center, Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. The meeting will commence at 10:00 a.m. at which time the State Board Chair will consider items on the agenda in the order presented. Persons desiring to make oral comments at the hearing are asked to sign in and to limit their statements to five minutes or less, and as a courtesy provide written copies of their presentation for the record.

The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the changes click on the attached link <http://dev.ed.sc.gov/agency/stateboard/regs/changed/2009/>.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Sally Barefoot, Director, Office of School Leadership, 3700 Forest Drive, Room 300, Columbia, South Carolina 29204 or e-mail sbarefoot@leaders.ed.sc.gov. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 10, 2008, as noticed above. Comments received submitted by the deadline, November 24, 2008, at 5:00 p.m. shall be submitted to the State Board of Education in a summary of public comments and South Carolina Department of Education responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

None.

24 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-165.1. Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).

Purpose: R 43-165.1 is being recommended for revision to remove outdated verbiage, update and clarify current responsibilities and procedures of school districts and the South Carolina Department of Education, reflect the revisions to the national Interstate School Leaders Licensure Consortium (ISLLC) standards, and allow for general collection of principals' demographic data for purposes of pre-service and in-service of principals.

Legal Authority: The legal authority for R 43-165.1 is Sections 59-5-60 (2004) and 59-24-40 (2004), SC Code of Laws

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

This regulation was approved by the General Assembly in June 2001. This principal evaluation regulation must be updated to reflect the new ISLLC standards, as well as the recommendations of school district personnel and higher education.

DETERMINATION OF COSTS AND BENEFITS:

There is no additional cost. Benefits include alignment of the South Carolina program to national standards, an improved evaluation system, and simplification of the regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any effect on the environment or public health.

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

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

Statement of Rationale:

The regulation is required by statute to adopt statewide performance standards and criteria that will serve as a foundation for all processes used for assisting, developing, and evaluating principals employed in the state's school districts.

Text:

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

Document No. 4030

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

61-51. Public Swimming Pools Regulations**Preamble:**

R.61-51 was enacted to protect public health and safety when recreating in public swimming pools. These proposed amendments incorporate updated design and construction requirements. There are several operation and maintenance changes that are necessary to improve safety in and around the pool as well as ease of maintenance. The Department proposes to amend R.61-51 to address multiple issues dealing with the construction and operation of public swimming pools in South Carolina. The amendments are needed to provide greater flexibility for the building of public swimming pools and are necessary in order to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State. See Discussion of Proposed Revisions and Statements of Need and Reasonableness and Rationale herein.

A Notice of Drafting for the proposed amendments was published in the *State Register* on July 25, 2008. Notice of the Department's intent to promulgate these amendments was also published on the Department's Internet website at <http://www.scdhec.gov/administration/regs/> in its *DHEC Regulation Development Update*. No relevant comments were received.

Discussion of Proposed Revisions:

Note: The sections cited in this listing reflect the proposed sections as they are numbered in the underline/overstrike version of the regulation.

Relocation of specific diagrams could not be shown by strikeout and underline is explained in the instructions of the text of the amendments.

Issue 1) Design criteria and plans that meet Federal and/or State recommendations and requirements.

<u>SECTION</u>	<u>CHANGE</u>
R.61-51.A.3	Added language for age clarification.
R.61-51.A.5	Removed reserved and added new definition.
R.61-51.A.43	Added language to exempt duplexes from regulation.
R.61-51.A.43(e)	Added language to clarify subdivision pools with slides.
R.61-51.A.45(g)	Added language to establish Type G pools.
R.61-51.A.62	Added language to clarify vertical.
R.61-51.A.67	Added language to define "zone".
R.61-51.B.4(a)	Added language to require plans kept on job site during construction.
R.61-51.B.5(c)	Added language to require fee submittal with Change Order Requests.

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R.61-51.C.6(b)	Added requirements for using concrete pavers as decking.
R.61-51.C.6(f)	Changed requirement to lengthen hose bib distances to 100 feet and added language to establish backflow prevention requirements.
R.61-51.C.7	Revised language on depth markers.
R.61-51.C.8(a)	Revised language for fencing requirements for pools with slides.
R.61-51.C.8(b)	Revised language for fencing requirements for pools with slides.
R.61-51.C.9(a)	Added language for clarification on door sizing, light switches, floor drains, and sumps and added language to establish requirements for an emergency disconnect for pumps.
R.61-51.C.9(c)	Added language to require installation per manufacturers recommendations.
R.61-51.C.10	Revised language on chemical storage room requirements.
R.61-51.C.11	Revised language to require equipment compliance with NEC.
R.61-51.C.12	Added and revised language to exclude cell and cordless phones to be used as emergency notification devices.
R.61-51.C.15(c)	Added language to establish requirements for sump pits.
R.61-51.C.16	Added language to establish requirements for dechlorination.
R.61-51.C.17	Added language to require approvals for discharge.
R.61-51.C.21	Added language to allow ultraviolet or ozone disinfection.
R.61-51.C.25(a)	Added and revised language for inlets and outlets.
R.61-51.C.26(b)(vii)	Added language to establish requirements for using concrete pavers.
R.61-51.C.27(b)	Added language to clarify location of life saving equipment.
R.61-51.C.27(d)	Added language to clarify which pools need first aid kits.
R.61-51.C.28(a)	Added language to clarify that pool signs be visible.
R.61-51.C.28(b)	Added language to clarify that pool signs be visible.
R.61-51.C.28(b)(xvi)	Added language to establish life saving equipment location on pool rules sign.
R.61-51.C.29(a)	Added language for clarification of fire protection measures.
R.61-51.C.30	Added language to clarify overflow requirements.
R.61-51.C.35	Revised language on step risers, step edge stripes, and handrails and added language establishing requirements on tanning ledges.

R.61-51.C.39	Added language establishing design requirements for surge tanks.
R.61-51.D	Changed section title to include Type G pools in the requirements.
R.61-51.D.2.(a)	Revised language regarding pool depth slope.
R.61-51.D.2.(a)(ii)	Revised language for consistency.
R.61-51.D.2(d)(i)	Added and revised language on skimmers.
R.61-51.D.2(k)	Added language establishing requirements for vanishing edge pools.
R.61-51.D.7	Added language establishing minimum pool width.
R.61-51.D.8	Added language establishing requirements for Type G pools.
R.61-51.E.3	Added language requiring equipment to be installed per manufacturers recommendations.
R.61-51.I.1	Revised language to add interior pool coating to list of items requiring a change order request.

Issue 2) Safety requirements that ensure that the public, maintenance, and repair staff are aware and protected from potential hazards.

<u>SECTION</u>	<u>CHANGE</u>
R.61-51.J.8	Revised language on equipment room requirements.
R.61-51.J.11(a)	Revised language regarding life guards.
R.61-51.J.11(b)	Revised language for consistency.
R.61-51.J.11(d)	Revised language for life saving equipment location.
R.61-51.J.11(g)	Revised language prohibiting cell or cordless telephones to be used as emergency notification devices.
R.61-51.J.14(a)	Revised language on water quality testing.
R.61-51.J.14(d)	Revised language for consistency.
R.61-51.J.14(e)	Added language requiring CDC protocols to be used during biological contamination incidents.
R.61-51.J.15	Added language establishing maintenance requirements.
R.61-51.J.16(a)	Revised language on temperature to include spa's, lazy rivers, and other pool types.
R.61-51.J.18(b)	Revised language on recording operator visits in bound log books.

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R.61-51.J.19	Added and revised language requiring depth markers be brought up to current regulations when recoating or resurfacing the pool interior or deck.
R.61-51.J.21(a)	Revised language on accessibility of pools for inspections.
R.61-51.J.21(b)	Revised language on responsibility for correction of items not in compliance.
R.61-51.J.22	Added and revised language regarding pool closures.
R.61-51.J.24	Revised language on variance requests.

Issue 3) Revise specific chemical levels for better treatment and other health related issues.

<u>SECTION</u>	<u>CHANGE</u>
R.61-51.J.14(b)	Changed the water chemistry requirements.
R.61-51.J.14(c)	Added language reducing cyanuric acid levels over three (3) years.

Issue 4) Revise to include acceptance of operator certification by the Department.

<u>SECTION</u>	<u>CHANGE</u>
R.61-51.J.18(a)	Revised language allowing operator licensing by a party approved by the Department.

Issue 5) Stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.

<u>SECTION</u>	<u>CHANGE</u>
R.61-51.A.6	Added language for clarification.
R.61-51.A.7 - A.63	Re-number definitions.
R.61-51.B.7	Revised language to ensure consistency.
R.61-51.C.4	Revised language for consistency.
R.61-51.C.13	Revised language for consistency.
R.61-51.C.14	Revised language for consistency.
R.61-51.C.18	Revised language for consistency.
R.61-51.C.20	Revised language for consistency.
R.61-51.C.28(c)	Renumbered citation for consistency.
R.61-51.C.28(d)	Renumbered citation for consistency.
R.61-51.C.28(e)	Renumbered citation for consistency.

R.61-51.C.28(f)	Renumbered citation for consistency.
R.61-51.D.2(a)	Revised language for consistency.
R.61-51.D2(a)(i)	Revised language for consistency.
R.61-51.E.2	Revised language to update citation and bottom slope requirements.
R.61-51.J.9	Revised language for legal consistency.
R.61-51.J.10	Revised language for legal consistency.
R.61-51.J.11(h)	Revised citation for consistency.
R.61-51.J.11(i)	Revised citation for consistency.
R.61-51.J.11(j)	Revised citation for consistency.
R.61-51.J.12	Revised citation for consistency.
R.61-51.J.16(b)(ii)	Revised language for consistency.
R.61-51.J.16(b)(iii)	Revised language for consistency.
R.61-51.J.17(a)	Revised language for consistency.
R.61-51.J.17(b)	Revised language for consistency.
R.61-51.K.1(a)(ii)	Added language to clarify Type B pool closures.
R.61-51.K.1(a)(vii)	Revised language to update pool closure for chlorine.
R.61-51.K.1(a)(viii)	Revised language to update pool closure for pH.
R.61-51.K.1(a)(ix)	Revised language to update pool closure for non-operational equipment.
R.61-51.K.1(a)(xiii)	Revised language for clarification.
R.61-51.K.1(a)(xv)	Revised language to update pool closure for not meeting pool operator requirements.
R.61-51.K.1(a)(xvi)	Added language to require pool closure for fencing and gating being out of compliance.
R.61-51.K.1(b)	Revised language for legal consistency.
R.61-51.K.1(c)	Revised language for legal consistency.
R.61-51.K.1(d)	Revised language for legal consistency and removing requirement for four pool closures before enforcement referral.

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Issue 6) Include language on the appeals process to comply with requirements of the S.C Administrative Procedures Act.

SECTION

CHANGE

R.61-51.M. Added language to include the statutory requirements for appeals.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held on November 24, 2008 at 4:00 p.m. in Peebles Auditorium, third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive public comments from interested parties on the proposed amendment of R.61-51. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested parties are also provided an opportunity to submit written comments on the proposed amendment by writing to Richard Welch, P.E. at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, Fax number (803) 898- 3546. To be considered, written comments submitted must be received no later than 5:00 p.m. on November 24, 2008, the close of the public comment period.

Copies of the Notice of Proposed Regulation and text of the regulation for public notice and comment may be obtained by contacting Richard Welch, P.E. at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-3546, Fax number (803) 898-3795, or from the Department's Regulatory Information internet website in its *DHEC Regulation Development Update* at <http://www.scdhec.gov/administration/regs/> (click on the *Update*, then *Water*, and scan down for this proposed amendment).

Comments received at the forum and/or submitted in writing by the close of the public comment period as noticed above shall be considered by staff in formulating the final text of the proposed regulation and shall be submitted in a Summary of Public Comments and Department Responses for consideration by the Board of Health and Environmental Control at the public hearing scheduled for January 8, 2009 as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and written comments on the proposed amendment R.61-51 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on January 8, 2009. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in order presented. The order of presentation for public hearings will be noticed in the Board's agenda to 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 presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendment of Regulation 61-51, Public Swimming Pools.

Purpose: The Department proposes to revise R.61-51 to address specific issues dealing with the construction and operation of public swimming pools in South Carolina. The amendments also include the acceptance of an operator certification by the Department. The proposed amendments will provide greater flexibility for the building of public swimming pools and are necessary in order to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State. Additionally, the Department proposes to amend R.61-51 for compliance with statutory changes in the administrative appeals process pursuant to the S.C. Administrative Procedures Act.

Legal Authority: R.61-51 is authorized by 1976 Code Sections 44-1-140(7), 44-55-2310 et seq., 44-1-60 (2006 Act 367).

Plan for Implementation: The proposed amendments will be incorporated within R.61-51 upon approval by the Board of Health and Environmental Control, the South Carolina General Assembly, and publication in the *State Register* as a final regulation. The amendments will be implemented in the same manner in which the current regulation is implemented.

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

The adoption of these regulations will allow the Department to accept operator certification by a party or parties approved by the Department. In addition, these regulations will enhance safety at public swimming pools by changing chemical levels, incorporating updated design requirements, and strengthening operation and maintenance requirements.

DETERMINATION OF COSTS AND BENEFITS:

There will be no cost increase to pool operators for certification changes. There should be no cost increases for the operation and maintenance changes. The pool design requirement changes may add capital costs to some projects depending on project size and complexity.

The benefits for the design requirements facilitate increased ease of pool design and construction, operation and maintenance, and pool user safety. The operation and maintenance changes will have positive impacts on pool water quality, safety, and emergency response.

UNCERTAINTIES OF ESTIMATES:

Moderate.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The amendments will protect public health through bather safety.

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

While there will be no detrimental effect on the environment if the amendments are not implemented, there is potential for adverse public health impacts as noted above.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The proposed amendments to R.61-51 will better protect the health of bathers in public swimming pools and decrease the potential for illnesses associated with fecal contamination. The public and those working in and around public swimming pools will benefit from the safety measures included in the proposed amendments. See Statement of Need and Reasonableness.

Text:

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

Document No. 4034
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

62-600. Determination of Rates of Tuition and Fees

Preamble:

The Commission on Higher Education proposes to amend and replace in its entirety R.62-600 of the SC Residency Program. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the definition of a dependent is clarified and the use of voter registration cards to prove SC residency will be prohibited. In addition, institutional residency officers will be allowed to develop an appeal process for students to challenge institutional residency decisions. There are also additional clarifications being proposed, such as adding definitions and minor grammatical changes to promote consistency among the State institutions and their residency classification processes.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina State Register on September 26, 2008.

Section-by-Section Discussion

- | | |
|-----------------|--|
| Section 62-600: | Provides the purpose of the South Carolina Residency Program. |
| Section 62-601: | Sets forth Statutory Authority for the South Carolina Residency Program. |
| Section 62-602: | Sets forth the definition of terms used in the regulation. |

- Section 62-603: Provides the eligibility requirements for citizens and permanent residents.
- Section 62-604: Provides the eligibility requirements for non resident aliens, non citizens and non permanent residents.
- Section 62-605: Sets forth the requirements to demonstrate intent to become a South Carolina resident for tuition and fee purposes.
- Section 62-606: Provides the necessary requirements for individuals looking to maintain South Carolina Residency for tuition and fee purposes.
- Section 62-607: Sets forth the requirements for individuals whose domicile in this state are terminated to maintain their South Carolina Residency for tuition and fee purposes.
- Section 62-608: Addresses effect of marriage on South Carolina Residency status for tuition and fee purposes.
- Section 62-609: Sets forth the exceptions to the twelve month physical presence requirement for establishing South Carolina Residency for tuition and fee purposes.
- Section 62-610: Sets forth the procedures that individuals must follow when applying for instate residency classification.
- Section 62-611: Sets forth the procedures that institutions must follow when a student is incorrectly classified for tuition and fee purposes.
- Section 62-612: Establishes an institutional appeal process for residency classification.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2008, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 3, 2008. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2008, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-600. Determination of Rates of Tuition and Fees.

Purpose: R.62-600 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the definition of a dependent is clarified and the use of voter registration cards to prove SC residency will be prohibited. In addition, institutional residency officers will be allowed to develop an appeal process for students to challenge institutional residency decisions. There are also additional clarifications being proposed, such as adding definitions and minor grammatical changes to promote consistency among the State institutions and their residency classification processes.

Legal Authority: The legal authority for R.62-900.85-140 is 1976 Code Section 59-149-10.

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

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive in state tuition and fee classification and to provide guidance to state institutions when classifying students as in state students for tuition and fee purposes.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving in state classification and institutions by providing guidance in determining student residency classification.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

The Commission on Higher Education proposes to amend and replace in its entirety R.62-600 of the SC Residency Program. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the definition of a dependent is clarified and the use of voter registration cards to prove SC residency will be prohibited. In addition, institutional residency officers will be allowed to develop an appeal process for students to challenge institutional residency decisions. There are also additional clarifications being proposed,

such as adding definitions and minor grammatical changes to promote consistency among the State institutions and their residency classification processes.

Text:

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

Document No. 4031
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

62-1200.1 to 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship & Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement

Preamble:

The South Carolina Commission on Higher Education proposes the following regulation to replace in its entirety R.62-900.1 through 62-900.70, LIFE Scholarship Program, and to add R.62-1200.1 through 62-1200.75 to Chapter 62 regulation. The proposed regulation provides the eligibility criteria that students must meet in order to be awarded a LIFE Scholarship and a LIFE Scholarship Enhancement. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the South Carolina State Register on September 26, 2008.

Section-by-Section Discussion

- Section 62-1200.1: Provides the purpose of the LIFE Scholarship Program and the purpose of the LIFE Scholarship Enhancement.
- Section 62-1200.5: Sets forth the definition of terms used in the regulation.
- Section 62-1200.10: Provides the eligibility requirements that students are required to meet to be awarded a LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.15: Provides the continued eligibility requirements that students must meet by the end of each academic year to receive a LIFE Scholarship and a LIFE Scholarship Enhancement the following academic year.
- Section 62-1200.20: Sets forth the number of terms that students may receive a LIFE Scholarship and LIFE Scholarship Enhancement. The section stipulates the number of terms of eligibility by degree (i.e., Diploma, Associate's Degree, Bachelor's Degree) and institution (i.e., two-year or four-year).

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- Section 62-1200.25: Provides the requirements that students must meet to either regain eligibility for a LIFE Scholarship and LIFE Scholarship Enhancement after failing to meet the continued eligibility requirements at the end of a given academic year. In addition, for those students who are unable to meet the initial eligibility requirements at the time of high school graduation, this section also provides the requirements that such students must meet in order to earn eligibility for a LIFE Scholarship and a LIFE Scholarship Enhancement in college.
- Section 62-1200.30: Sets forth the requirements that transfer students must meet to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.
- Section 62-1200.35: Provides the renewal requirements that must be met each academic year for students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 each academic year for the LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.40: Sets forth the renewal requirements that must be met at the end of each academic year for students who participate in internships, cooperative work programs, travel study programs, and exchange programs for the LIFE Scholarship and LIFE Scholarship Enhancement.
- Section 62-1200.45: Sets forth the renewal requirements that must be met each academic year by students who meet the definition of active military duty (as defined in Section 62-1200.5 of this regulation) and who mobilized or deployed during war time to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.
- Section 62-1200.50: Sets forth the procedures that institutions must follow to refund LIFE Scholarship and LIFE Scholarship Enhancement monies back to the State in the event of an error in award or a student withdraws from the institution.
- Section 62-1200.55: Sets forth the appeals procedures that must be used by students who fail to meet the renewal requirements at the end of each academic year to receive a LIFE Scholarship and a LIFE Scholarship Enhancement.
- Section 62-1200.60: Sets forth the policies and procedures that institutions must follow when determining students' eligibility for a LIFE Scholarship and LIFE Scholarship Enhancement each academic year.
- Section 62-1200.65: Sets forth the policies and procedures that institutions must follow when disbursing LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students each academic year.
- Section 62-1200.70: Sets forth the regulatory authority and procedure for program audits by The South Carolina Commission on Higher Education of institutional policies, practices and procedures as related to the LIFE Scholarship and the LIFE Scholarship Enhancement.
- Section 62-1200.75: Provides for the suspension and termination of institutional participation as related to the LIFE Scholarship and the LIFE Scholarship Enhancement.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2008, to be held in the Main Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 3, 2008. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2008, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Section 62-1200.1-120. Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Purpose: R.62-900.1 through 62-900.70 of Chapter 62 is being amended and replaced in its entirety. The proposed regulation provides the eligibility criteria that students must meet in order to be awarded LIFE Scholarship Enhancement funds. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship Enhancement funds to eligible students.

Legal Authority: The legal authority for R.62-1200.1-120 is 1976 Code Section 59-149-10.

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

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

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive a LIFE Scholarship and LIFE Scholarship Enhancement and to provide guidance to state institutions when awarding LIFE Scholarship and LIFE Scholarship Enhancement funds to eligible students.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving funds through the LIFE Scholarship Program and institutions by providing guidance in determining student eligibility and in disbursing scholarship funds.

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UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

This proposed regulation will clarify the policies and procedures for administering the LIFE Scholarship Program at the public and independent colleges and universities in the state. The proposed regulation includes the eligibility criteria that students must meet in order to be awarded a LIFE Scholarship and a LIFE Scholarship Enhancement. In addition, the proposed regulation also provides the procedures that institutions must follow when determining students' eligibility and when disbursing LIFE Scholarship Enhancement funds to eligible students. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Repeal R.62-900.1 through 62-900.70 and add the following regulation to Chapter 62.

Text:

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

Document No. 4032

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-142-20

62-450. Need-based Grants Program

Preamble:

The Commission on Higher Education proposes to amend R. 62-475 (E) (1) (2) and R. 62-460 (A) of the South Carolina Need-based Grant Program. The proposed amendment deleted "regular" academic year. A proposed definition to change "Academic year" was made to promote consistency in the grant program regulation. In addition, the term "regular" was deleted from "academic semester" to promote consistency in the grant program regulation.

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on September 26, 2008.

Section-by-Section Discussion

- 62-460.A “Academic year” is defined as the fall, spring and summer semesters.

- 62-460.F “Full-time student” shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of twelve credit hours during the academic semester.

- 62-460.I “Needy student” shall mean a post-secondary student enrolled in or accepted for enrollment in a public institution who demonstrates to the institution the financial inability, either parental, familial, or personal, to bear the total cost-of-attendance for any academic semester. The determination of need shall be made in accordance with Federal need analysis formulae and provisions.

- 62-460.L “Part-time student” shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of six credit hours and a maximum of eleven credit hours during the academic semester.

- 62-475.E.1 For graduation purposes, earn at least 24 credit hours each academic year if awarded a Need-based Grant as a full-time student or earn at least twelve credit hours if awarded a Need-based Grant as a part-time student. If a student is awarded a Need-based Grant for one semester of the academic year as a part-time student and the other semester as a full-time student, the student must earn at least eighteen credit hours each academic year. If a full-time student is awarded a Need-based Grant for only one semester of the academic year, the student must earn at least twelve credit hours by the end of the academic year. A part-time student who is awarded a Need-based Grant for only one semester must earn at least six credit hours by the end of the academic year; and

- 62-475.E.2 Earn at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes by the end of each academic year.

- 62-495.A In the event a student who has been awarded a Need-based Grant withdraws, is suspended from the institution, or drops below part-time (six credit hours) or full-time (twelve credit hours) status during any semester of the academic year, institutions must reimburse the Need-based Grants Program for the amount of the grant for the semester in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2008, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements in five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

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Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 3, 2008. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2008, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

Purpose: R.62-450 is being amended and replaced in its entirety. The proposed amendments will clarify policies and procedures for administering the South Carolina Need-based Grants Program. The proposed amendment deleted "regular" academic year. A proposed definition to change "Academic year" was made to promote consistency in the grant program regulation. In addition, the term "regular" was deleted from "academic semester" to promote consistency in the grant program regulation.

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

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

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

The proposed regulation will promote consistency in the grant program regulation by proposing a change to "Academic year" and deleting "regular" from "academic semester". The program is administered by the Commission on Higher Education.

DETERMINATION OF COSTS AND BENEFITS:

The financial aid community will benefit by consistency among the regulations for scholarships and grants administered by the Commission on Higher Education and students will benefit by the flexibility to be able to meet the required credit hours for continuing eligibility.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to the S.C. Need-based Grant regulation were necessary to promote consistency in the grant program.

Text:

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

Document No. 4033
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement

Preamble:

The S.C. Commission on Higher Education proposes to amend and replace in its entirety R.62-300 of the Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship Program are being proposed to clarify the policies and procedures for administering the Program. These changes were necessary to comply with Act 103 (2007) and Acts 178 and 235 (2008). The proposed regulation amends the language regarding alcohol or drug-related misdemeanor offenses from the first to the second or subsequent. The proposed regulation will clarify the use of class rank by students attending out-of-state preparatory schools to qualify for the Palmetto Fellows Scholarship. Finally, the proposed regulation will provide the criteria for students to be eligible for the Palmetto Fellows Scholarship Enhancement.

The proposed regulation requires legislative review.

The Notice of Drafting for the proposed regulation was published in the *State Register* on August 22, 2008.

Section-by-Section Discussion

- 62-300.B Pursuant to Act 115 and amended by Act 235 in 2008, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement. The General Assembly established the Palmetto Fellows Scholarship Enhancement in order to foster scholarship among the State's postsecondary students through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Enhancement Program is to recognize the most academically talented college students throughout the state of South Carolina in the areas of mathematics and science and encourage them to attend eligible colleges or universities in the State. In order to receive a Palmetto Fellows Scholarship Enhancement, all students must qualify for a Palmetto Fellows Scholarship as stipulated herein.

- 62-305.D The Palmetto Fellows Scholarship Enhancement is contingent upon the availability of funds appropriated by the General Assembly each academic year.

- 62-310.B "Annual credit hour requirement" is defined for the Palmetto Fellows Scholarship as a minimum of thirty (30) credit hours taken and earned at the end of each academic year based on the date of initial college enrollment. Credit hours cannot include remedial, continuing education, exempted credit hours (such as AP, CLEP, IB, etc.), credit hours earned before high school graduation (dual enrollment) and credit hours earned the summer term immediately following high school graduation.

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- 62-310.C “Approved five-year bachelor’s degree program” is defined as a five-year bachelor’s program that is defined and approved by the Commission on Higher Education to receive the Palmetto Fellows Scholarship for a maximum of ten terms and the Scholarship Enhancement for a maximum of eight terms at the same eligible independent or public institution in order to complete the requirements for a bachelor’s degree. An approved five-year bachelor’s degree program does not include institutional and cooperative “3 plus 2” programs.
- 62-310.E “CIP (Classification of Instructional Program) Code” is defined as the U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the Palmetto Fellows Scholarship Enhancement, CIP Codes have been approved by the Commission on Higher Education for eligible degree programs in the fields of mathematics and science.
- 62-310.F “Continuing education coursework” is defined as postsecondary courses designed for personal development and that cannot be used as credit toward a degree.
- 62-310.G “Cost-of-attendance” is defined by Title IV regulations and may include tuition, fees, books, room and board, and other expenses related to transportation, disability or dependent care.
- 62-310.H “Cumulative grade point average (GPA)” is defined as the cumulative institutional GPA used for graduation purposes, which includes dividing the total number of quality points earned in all courses by the total credit hours in all courses attempted at the student’s home institution. The cumulative GPA must be at least a 3.0 at the home institution for graduation purposes at the end of each academic year based on the date of initial college enrollment.
- 62-310.I “Date of initial college enrollment” is defined as the first time a student matriculates into a postsecondary degree-granting institution after high school graduation or completion of an approved home school program, excluding the summer term immediately prior to the student’s enrollment in the first regular academic year. Students must remain continuously enrolled as any break in enrollment (excluding summer) will count toward the student’s terms of eligibility.
- 62-310.J For the purposes of the Scholarship Enhancement, “declared major” is defined as an eligible degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department the student is enrolled in a declared major in an eligible degree program. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered enrolled in a declared major. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site. Students who change their declared major from an ineligible degree program to an eligible degree program within the same academic year shall not receive the Palmetto Fellows Scholarship Enhancement for that academic year. Additionally, students who change their declared major from an eligible degree program to an ineligible degree program within the same academic year will not lose eligibility until the next academic year.

- 62-310.K “Degree-seeking student” is defined as a student enrolled full-time in a program of study that leads to the first bachelor’s degree, first approved five-year bachelor’s degree or program of study that is structured so as not to require a bachelor’s degree at an eligible independent or public institution. Students must maintain their undergraduate status in order to receive the Palmetto Fellows Scholarship and the Scholarship Enhancement each academic year, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Master of Science in Cytology and Biosciences at the Medical University of South Carolina; and, 3) Doctor of Pharmacy at the Medical University of South Carolina and the University of South Carolina (S.C. College of Pharmacy).
- 62-310.L “Eligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as a degree program in mathematics or science as approved by the SC Commission on Higher Education. These programs include science or mathematics disciplines, computer science or informational technology, engineering, health care and health care related disciplines (including nursing, pre-medicine and pre-dentistry) as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirements of an eligible degree program for the Palmetto Fellows Scholarship Enhancement. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP Code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site.
- 62-310.O “Fifth year” is defined as the ninth or tenth consecutive term of undergraduate coursework in an approved five-year bachelor’s program. The fifth year is based on the student’s date of initial college enrollment after graduation from high school.
- 62-310.P “First/freshman year” is defined as the first or second consecutive term of undergraduate coursework following high school graduation.
- 62-310.R “Fourth year” is defined as the seventh or eighth consecutive term of undergraduate coursework. The fourth year is based on the student’s date of initial college enrollment after graduation from high school.
- 62-310.T “Gift aid” is defined as scholarships and grants that do not nor will not under any circumstance require repayment, and excludes any self-help aid such as student loans and work-study.
- 62-310.W “Ineligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as any degree program that is not on the Commission’s posted list of eligible degree programs.
- 62-310.AA “Palmetto Fellow” is defined as a student awarded the Palmetto Fellows Scholarship during his/her senior year of high school and continues to meet all eligibility requirements to receive the Palmetto Fellows Scholarship. A Palmetto Fellow who is not awarded any Palmetto Fellows Scholarship funds due to the cost of attendance being met by other sources of financial aid will still be classified as a Palmetto Fellow.
- 62-310.DD “Reapplication student” is defined as a student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state, four-year institution the fall term immediately following high school graduation.

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- 62-310.FF “Second year” is defined as the third or fourth consecutive term of full-time, undergraduate coursework. The second/sophomore year is based on the student’s date of initial college enrollment after graduation from high school.
- 62-310.HH “Satisfactory academic progress in a declared major” is defined for the purposes of the Scholarship Enhancement as the progress required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. Students must meet all requirements for satisfactory academic progress toward degree completion in their declared major as established by the policies of both the institution and the declared major in which the student is enrolled to meet the requirements of satisfactory academic progress.
- 62-310.JJ “Transient student” is defined as a student enrolled in a non-matriculated status, which means he/she is granted temporary admission to earn credit hours that will transfer back to his/her home institution toward a degree. A transient student is not eligible to receive the Palmetto Fellows Scholarship or the Scholarship Enhancement unless the student is participating in a program that is both approved and accepted as full-time transfer credit by the home institution.
- 62-310.KK “Third year” is defined as the fifth or sixth consecutive term of undergraduate coursework. The third year is based on the student’s date of initial college enrollment after graduation from high school.
- 62-315.A(4) Be a U.S. citizen or a lawful permanent resident as defined by the U.S. Citizenship and Immigration Services and the State Residency Regulation as promulgated by the Commission on Higher Education;
- 62-315.A(6) Certify that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies, and any second or subsequent alcohol, or drug related offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit each academic year to the home institution testifying to the fact, except that a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug related misdemeanor offense is only ineligible the next academic year of enrollment in an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the home institution, the student will continue to be eligible for the remainder of that academic year. However, the student will be ineligible the following academic year of enrollment. If a student completes a pretrial intervention program and subsequently has his/her record expunged, the conviction will not affect the student’s eligibility.
- 62-315.D A student who graduates in December/January of the high school senior year (considered an early graduate) is eligible to apply for the Palmetto Fellows Scholarship, provided that the student meets all eligibility requirements as described in the “Initial Eligibility” Section and provided that the student is entering an eligible independent or public institution no later than the fall term immediately following high school graduation. Early graduates who plan to begin college enrollment the spring term may apply to receive the LIFE Scholarship through the Commission on Higher Education. If the student is subsequently awarded the Palmetto Fellows Scholarship, then the student will receive the Palmetto Fellows Scholarship the fall term immediately following high school graduation for up to a maximum of seven terms.

- 62-315.E Students cannot earn eligibility for the Palmetto Fellows Scholarship after high school graduation. All students must apply and be awarded during the high school senior year.
- 62-318 Eligibility for Palmetto Fellows Scholarship Enhancement
- A. To be eligible for the Palmetto Fellows Scholarship Enhancement each academic year, a student must be:
1. A Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
 2. Enrolled full-time, degree-seeking in a declared major in an eligible degree program;
 3. Making satisfactory academic progress toward completion of his/her declared major; and
 4. Enrolled in the second year, third year, fourth year, or fifth year (if enrolled in a C Commission approved five-year bachelor's degree) at an eligible independent or public institution.
- B. Students must successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment), and credit hours earned during the summer session immediately prior to the student's date of initial college enrollment made be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement. Palmetto Fellows who were already enrolled in at least their second year in the 2007-2008 academic year only are not required to meet the fourteen credit hour requirement at the end of their freshman year.
- C. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship Enhancement.
- 62-320.D(1) Score at least 1200 on the SAT or 27 on the ACT through the June test administration of the senior year; earn a minimum 3.50 cumulative GPA on the UGP at the end of the senior year; and rank in the top six percent of the class at the end of the sophomore, junior or senior year; or
- 62-320.G Class rank must be based on the Uniform Grading Policy using diploma candidates only. Class rank is determined at the end of the sophomore, junior and senior years (not the beginning of the next school year) before including any summer school coursework or including any students who transfer into your high school after the school year ended in May/June. Students cannot be removed from the class because they did not meet the eligibility criteria to apply, declined to apply, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year.
- 62-320.I In order to apply for the Palmetto Fellows Scholarship using rank as one of the eligibility criteria, home school students must be a member of an approved home school program (as defined in relevant State Statute) that provides an official class rank for their members. The home school association must submit a rank report on the association's letterhead that includes the class rank and GPA based on the 2007 SC Uniform Grading Policy for all home school students in the applicant's class. If a home school student is unable to obtain rank verification, he/she may also be eligible to apply

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using the alternative criteria of scoring at least 1400 on the SAT (or 32 on the ACT) and earning a minimum 4.00 cumulative GPA on the UGP, without regard to class rank. These students must meet all other eligibility criteria.

- 62-320.J For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the S.C. Uniform Grading Scale, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. Students who attend out-of-state preparatory high school must be eligible to apply by using the alternative criteria of scoring at least 1400 on the SAT (or 32 on the ACT) and earning a minimum 4.00 cumulative GPA on the Uniform Grading Policy. The student's guidance counselor must convert the student's grades to the UGP to determine if the student meets the GPA requirement. These students must meet all other eligibility criteria, including South Carolina residency requirements.
- 62-325.D Deleted and moved to Section 62-340.B
- 62-330.A The institution will identify award amounts, which cannot exceed:
1. \$6,700 the freshman year and \$7,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship;
 2. \$2,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship Enhancement.
- 62-330.C Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.
- 62-330.H(2) Affidavit documenting that the student has never been convicted of any felonies and has not been convicted of any second or subsequent alcohol/drug-related misdemeanor offense within the past academic year as stated under "Initial Eligibility" and "Duration and Renewal of Awards" Sections
- 62-330.H(8) Verification of cumulative GPA and annual credit hours for renewal purposes
- 62-330.H(11) Verification student met fourteen credit hour requirement at the end of the first year of college enrollment for the 2007-08 freshman class and thereafter (Palmetto Fellows Scholarship Enhancement purposes only)
- 62-330.H(12) Verification from academic department of enrollment in a declared major in an eligible degree program (Palmetto Fellows Scholarship Enhancement purposes only)
- 62-335.C The Palmetto Fellows Scholarship may be renewed annually for no more than a total of eight terms toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of ten terms toward the first approved five-year bachelor's degree. The Palmetto Fellows Scholarship Enhancement may not be awarded for no more than a

total of six terms toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more eight terms toward the first approved five-year bachelor's degree.

- 62-335.D The institution is responsible for obtaining verification of each recipient's cumulative grade point average and annual credit hours for the purposes of determining eligibility for award renewal. For the Palmetto Fellows Scholarship Enhancement, the institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.
- 62-335.F(5) Certify each academic year that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol/drug-related misdemeanor offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit to the home institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug-related misdemeanor offense is only ineligible for the next academic year of enrollment at an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will continue to be eligible for the remainder of the academic year. However, the student will be ineligible for the Scholarship for the following academic year of enrollment. If a student completes a pretrial intervention program and his/her record is subsequently expunged, the charge will not affect Scholarship eligibility.
- 62-335.G In order to retain eligibility for the Palmetto Fellows Scholarship Enhancement, a student must:
1. Be a Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
 2. Be enrolled full-time, degree-seeking in a declared major in an eligible degree program;
 3. Be making satisfactory academic progress toward completion of his/her declared major;
 4. Be enrolled in the second year, third year, fourth year or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible independent or public institution; and
 5. Successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment), and credit hours earned during the summer session immediately prior to the student's date of initial college enrollment may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement. Palmetto Fellows who were already enrolled in at least their second year in the 2007-2008 academic year only are not required to meet the fourteen credit hour requirement at the end of their freshman year.
- 62-340.B A student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state four-year institution the fall term immediately following high school graduation, may reapply if they transfer to an eligible independent or public institution in South Carolina. The reapplication form is available on the Commission's Web site.
- 62-340.E The eligible independent or public institution is responsible for reviewing all Palmetto Fellows transferring to their institution to determine whether the students are eligible for the Palmetto Fellows Scholarship Enhancement.

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- 62-350.F The home institution will be responsible for obtaining official verification of the student's cumulative grade point average and annual credit hours. For purposes of the Palmetto Fellows Scholarship Enhancement, the home institution must also obtain verification from the academic department of enrollment in a declared major in an eligible degree program.
- 62-351.E The home institution will be responsible for obtaining official verification of the student's cumulative grade point average and annual credit hours. For purposes of the Palmetto Fellows Scholarship Enhancement, the home institution must also obtain verification from the academic department of enrollment in a declared major in an eligible degree program.
- 62-355.G Students cannot appeal solely on the loss of the Palmetto Fellows Scholarship Enhancement.
- 62-360.A The institution will identify award amounts, which cannot exceed:
1. \$6,700 per academic year the freshman year and \$7,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship;
2. \$2,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship Enhancement.
- 62-360.C The Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement cannot be applied to remedial coursework, continuing education coursework, a second bachelor's degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Definitions" Section or the student is enrolled in one of the following programs:
1. Master of Science in Physician Assistant Studies at the Medical University of South Carolina;
2. Master of Science in Cytology and Biosciences at the Medical University of South Carolina;
3. Doctor of Pharmacy at the Medical University of South Carolina and the University of South Carolina (S.C. College of Pharmacy).
In the event of early graduation, the award is discontinued.
- 62-360.E Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on December 4, 2008, to be held in the Large Conference Room located at 1333 Main Street, Suite 200, Columbia, SC 29201. The meeting will commence at 10:00 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted on the Commission's agenda to be published by at least ten days prior to the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 3, 2008. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on December 4, 2008, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-300. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement,

Purpose: R.62-300 is being amended and replaced in its entirety. The proposed amendments to the regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement are necessary to comply with Act 103 (approved in 2007) and Acts 178 and 235 (approved in 2008). These Acts affect a student's eligibility for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

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

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

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

The proposed regulation will allow compliance with recently approved legislation by clarifying the policies and procedures for administering the program. Palmetto Fellows will be eligible for additional funding based upon declaring a major in an eligible degree program.

DETERMINATION OF COSTS AND BENEFITS:

The financial aid community will benefit by receiving detailed guidance in awarding students the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement. Students will benefit by receiving additional funds based on declaring a major in an eligible degree program.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

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Statement of Rationale:

Pursuant to Act 115 (amended by Act 235 in 2008), the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement.

Text:

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

Document No. 4035
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, 38-9-180, and 38-63-510 et seq.

69-57.3. Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values

Preamble:

The Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values was recently adopted by the NAIC. The regulation protects the public interest by increasing necessary reserves to an appropriate level, promotes a responsible competitive environment by ensuring all companies are acting responsibly and creates equitable value for consumers by increasing cash values. The 2001 CSO Tables do not appropriately reflect the mortality experience of preneed life insurance and may produce inadequate reserves.

Notice of drafting for the proposed regulation was published in the State Register on April 25, 2008.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69.57.3, Section 1	Authority	This section sets forth the authority for the promulgation of the regulation.
69.57.3, Section 2	Scope	This section sets forth the scope of the regulation. The regulation is designed to apply to preneed insurance contracts.
69.57.3, Section 3	Purpose	This section sets forth the purpose of the regulation. The regulation is designed to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives for determining minimum reserves for preneed insurance products.

69.57.3,Section 4	Definitions	This section sets forth definitions of pertinent terms used in the regulation such as 2001 CSO Mortality Table, Ultimate 1980 CSO and preneed insurance.
69.57.3,Section 5	Minimum Valuation Mortality Standards	This section permits a company to use the Ultimate 1980 CSO Tables as the minimum valuation standard for policies issued on or after January 1, 2009 for preneed insurance products.
69.57.3,Section 6	Minimum Valuation Interest Rate Standards	This section sets forth the interest rates that must be used in determining the minimum standard for valuation of preneed insurance products and nonforfeiture values. The interest rates that must be used for valuation of preneed insurance products must be the calendar year statutory valuation interest as defined in South Carolina Code Section 38-9-180. The regulation provides that for nonforfeiture rates the interest rates must be the calendar year statutory nonforfeiture interest rates as defined in South Carolina Code Section 38-63-510 et seq.
69.57.3,Section 7	Minimum Valuation Method Standards	This section sets forth the method to be used in determining the standard for the minimum valuation of reserves for preneed insurance and the method to be used in determining the standard for the minimum nonforfeiture values of preneed insurance.
69.57.3,Section 8	Transition Rules	This section sets forth the effective dates for use of the 2001 CSO Tables if an insurer so elects and requires that the insurer provide an annual written notification to the domiciliary commissioner with a complete list of all preneed policy forms using the 2001 CSO as a minimum standard and certification from the appointed actuary that the reserve methodology employed develops adequate reserves. The regulation further provides that for policies issued on or after January 1, 2012, the Ultimate 1980 CSO must be used in the calculation of minimum nonforfeiture values and minimum reserves.
69.57.3,Section 9	Effective Date	This provision sets forth the date the regulation is considered effective.

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on December 5, 2008 at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00PM on November 24, 2008. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values.

Purpose: The proposed regulation provides for the use of the 1980 Commissioners Standard Ordinary (CSO) Life Valuation Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products

Legal Authority: S.C. Code Sections 1-23-110 et seq., 38-9-180, 38-63-510 et seq and Regulation 69-57.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed regulation is needed to appropriately reflect the mortality experience of preneed life insurance and produce adequate reserves for preneed life insurance products.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by increasing necessary reserves to an appropriate level, promoting a responsible competitive environment by ensuring all companies are acting responsibly and creating equitable value for consumers by increasing cash values.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include enhanced availability of preneed life insurance and the establishment of adequate reserves.

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

Promulgation of this regulation is crucial to: 1) ensuring that preneed life insurance reserves are at an appropriate level so that insurers are able to honor their policyholder obligations; 2) promoting a responsible competitive environment by ensuring all companies are acting responsibly, 3) creating equitable value for consumers by increasing cash values; and 4) promoting the reliability, solvency and financial stability of insurance companies by increasing the reserve requirement on preneed life insurance policies

Statement of Rationale:

The Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values was recently adopted by the NAIC to provide for use of the 1980 Commissioners Standard Ordinary (CSO) Life Valuation Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products. The 2001 CSO Tables do not appropriately reflect the mortality experience of preneed life insurance and may produce inadequate reserves.

Text:

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

Document No. 4036
DEPARTMENT OF INSURANCE
 CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, 38-9-180, and 38-63-510 et seq.

69-12.1. Replacement of Life Insurance and Annuities

Preamble:

The Department of Insurance proposes to amend and replace in its entirety R.69-12.1, Replacement of Life Insurance and Annuities. The Replacement of Life Insurance and Annuities Model Regulation was recently updated by the NAIC. Adoption of the current model regulation will protect the public interest by establishing additional consumer safeguards to be implemented by insurers when the replacement of life Insurance and annuities is involved in an insurance transaction. The regulation also provides for the exception of replacement requirements for term life conversions between affiliated companies. These revisions put inter-affiliate term conversions on the same footing as exchanges between the same insurer—internal, intra-company conversions. The amendments to Regulation 69-12.1 will also aid in providing uniformity of regulation with other states who have adopted the model regulation.

The proposed regulation will require legislative review.

Notice of drafting for the proposed regulation was published in the State Register on September 26, 2008.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

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SECTION CITATION:	SECTION TITLE	EXPLANATION
69-12.1, Section 1	Purpose and Scope	This section sets forth the purpose of the regulation. The regulation is designed to regulate the activities of insurers and producers with respect to the replacement of existing life insurance and annuities. The regulation also identifies those transactions to which it does not apply such as structured settlements, credit life insurance, group life insurance or annuities where there is no direct solicitation of individuals by an insurance producer, group products used to fund prearranged funeral contracts and instances where a term conversion is exercised among corporate affiliates.
69-12.1, Section 2	Definitions	This section sets forth definitions of pertinent terms used in the regulation such as Existing policy or contract, financed purchase, illustration, policy summary, replacing insurer, replacement and sales material.
69-12.1, Section 3	Duties of Producers	This section sets forth duties of producers who initiate an application for a replacement product of life insurance or annuity contract. The regulation specifies that the producer must present and read to the applicant a notice regarding replacements. The producer must obtain a list of all policies or annuities proposed to be replaced and leave with the applicant the original or a copy of all sales material.
69-12.1, Section 4	Duties of Insurers that Use Producers	This section sets forth the conditions that must be met by an insurer who uses producers when replacing an existing insurance policy or annuity contract. The regulation provides for a system of supervision of those producers that includes measures to insure compliance with the requirements of the regulation such as informing the producers of the requirements and including the requirements in training materials, maintaining a system to review the appropriateness of each replacement transaction, indexing of replacements by replacing producer and existing insurer and requiring a signed statement by both the applicant and producer as to whether the applicant has existing policies or contracts.

69-12.1, Section 5	Duties of Replacing Insurers that Use Producers	This section sets forth the requirements of a replacing insurer. The regulation places requirements on the replacing insurer that require that the replacing insurer must notify the existing insurer within five business days of receipt of an application indicating replacement is involved and mail a copy of the illustration or policy summary for the proposed replacement to the existing insurer upon request. The replacing insurer is also required to provide to the policy or contract owner notice of the right to return the policy or contract within thirty days of the delivery of the contract and receive an unconditional full refund of all premiums or considerations paid on it.
69-12.1, Section 6	Duties of the Existing Insurer	This provision sets forth requirements of an existing insurer when a replacement is involved. The regulation provides that the existing insurer must retain all replacement notifications for at least five years and send a letter to the policy or contract owner notifying of the right to receive information regarding the existing policy or contract values.
69-12.1, Section 7	Duties of Insurers with Respect to Direct Response Solicitations	This provision sets forth requirements of an insurer who solicits replacement policies or annuities by means of direct response solicitation. The regulation provides that the insurer must obtain a statement from the applicant as to whether the replacement or discontinuance of an existing policy or contract is involved. The regulation further provides for notice to be sent by the insurer to the applicant regarding replacement as proscribed in Appendix C or a similar form approved by the Director and provide the existing insurer with notice.
69-12.1, Section 8	Violations and Penalties	This provision sets forth the penalties for violations of the regulation, such as revocation or a producer's or company's license and monetary fines.
69-12.1, Section 9	Severability	This section allows a provision of the regulation to be deleted from the regulation if it is declared null or void for some reason without affecting the validity of the remaining provisions of the regulation.
69-12.1, Section 10	Effective Date	This provision sets forth the date the regulation is considered effective

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on December 8, 2008 at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 PM on November 24, 2008. Copies of the text of the proposed regulation for public notice and comment are available at www.doi.sc.gov.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Replacement of Life Insurance and Annuities

Purpose: The proposed amendments to the regulation provide for additional safeguards by insurers and producers when a proposed insurance transaction involves the replacement of an existing life insurance policy or annuity. The regulation also provides for the exception of replacement requirements for term life conversions between affiliated companies. These revisions put inter-affiliate term conversions on the same footing as exchanges between the same insurer—internal, intra-company conversions

Legal Authority: 1976 Code Sections 1-23-10, 38-3-110, 38-57-60, 38-63-10, 38-63-20, 38-65-10, 38-65-20, 38-69-10, and 38-69-20.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed amendments to the regulation are needed to provide additional safeguards to consumers when the replacement of a life insurance policy or annuity is involved in the insurance transaction. The amendments provide for recordkeeping by both insurers and producers involving the transaction and notices to be given to the consumer and to the existing insurer by the replacing insurer and put inter-affiliate term conversions on the same footing as exchanges between the same insurer—internal, intra-company conversions

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by increasing consumer safeguards in transactions involving the replacement of life insurance policies and annuities.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include increased safeguards for consumers in transactions involving the replacement of life insurance policies and annuities through the required notices to consumers when a replacement is involved. The proposed regulation also puts inter-affiliate term conversions on the same footing as exchanges between the same insurer—internal, intra-company conversions thereby allowing for a smooth transition from term ownership to a permanent policy that may provide added protection and potential cash value accumulation to the consumer.

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

Promulgation of this regulation is crucial to ensuring that consumers are adequately informed of the consequences of replacing existing insurance policies and annuities. The regulation also establishes a framework for insurers to monitor the activities of producers who are involved in this type of transaction.

Statement of Rationale:

The amendments to Regulation 69-12.1, Replacement of Life Insurance and Annuities, provide needed additional consumer safeguards when a consumer is considering the replacement of a life insurance policy or annuity. The proposed regulation also puts inter-affiliate term conversions on the same footing as exchanges between the same insurer—internal, intra-company conversions

Text:

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

Document No. 4022

RIVERBANKS PARKS COMMISSION**CHAPTER 124**

Statutory Authority: 1976 Code Sections 51-13-30 and 51-13-80

Chapter 124. Riverbanks Parks Commission**Preamble:**

Riverbanks Parks Commission seeks to promulgate regulations governing the safety of life and the protection of public and private property within Park property. The proposed regulations are intended to provide: (1) the general provisions of the regulations, including the purpose of the regulations and the definitions regarding terms and phrases used within the regulations; (2) the means of enforcement and jurisdiction governing enforcement; and (3) the actual regulations governing prohibited conduct and behavior on Park property, as well as provide for the method of enforcing regulations and the penalty for violations.

The Notice of Drafting was published in the *State Register* on July 25, 2008.

Section – By – Section Discussion:

Section 1 – Sets forth the purpose of the Regulation to provide for the safety of life and protection of public and private property.

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Section 2 – Defines Park, Commission, Executive Director, and Person and that these Regulations and those provided in the South Carolina Code of Laws and in laws locally applicable to Lexington and Richland Counties and the City of Columbia shall control.

Section 3 – Provides the requirement that all laws be followed in connection with persons using Park facilities, that the Riverbank Public Safety Department shall enforce these Regulations and anyone violating any of the applicable laws or these Regulations shall be tried by the Magistrate having jurisdiction of the area in which the violation occurs.

Section 4 – Provides those specific items and actions that are prohibited on Park property and that anyone violating the Regulations is guilty of a misdemeanor.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held at the Discovery Center Auditorium at 500 Wildlife Parkway, Columbia, SC on Monday, December 1, 2008 at 10:00 a.m. Interested persons may submit comments to Mr. Satch Krantz, Executive Director, Riverbanks Zoo and Garden, P.O. Box 1060, Columbia, SC 29202. Comments must be received no later than November 15, 2008.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions in complying with the proposed regulations.

Statement of Need and Reasonableness:

The regulations are needed to promote the safety of life and the protection of public and private property within Park boundaries. The regulations are also reasonable in that it is the Commission's responsibility to maintain regulations that are up-to-date and consistent with the law.

DESCRIPTION OF REGULATION: Proposed Regulations

Purpose: To provide the patrons of Riverbanks Zoo and Botanical Gardens and all other persons on Park property with a list of prohibited conduct and behavior, as well as the methods of enforcement and the penalty for non-compliance.

Legal Authority: 1976 Code Sections 51-13-30 and 51-13-80.

Plan for Implementation: The proposed regulations will go into effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulations will also be posted on the Riverbanks Zoo Web site for review.

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

The proposed rules and regulations will enhance the safety of persons and the protection of public and private property within Park boundaries.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to the state or its political subdivisions in complying with the proposed regulations.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The effects of these regulations are to be beneficial to the public health and environment. For the public, these regulations are designed to prevent accidents and injuries to all Park patrons. For the environment, these regulations seek to minimize litter from both Park lands and bodies of water adjacent to the Park as well as preserve the natural beauty of the area.

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

Potential injuries to individuals could result from failure to follow the proposed rules and regulations. In addition, not following these proposed rules and regulations could result in an increase in litter, thus spoiling the natural beauty of the area.

Statement of Rationale:

The Regulations have not been updated in over twenty-five years, with tremendous growth in the facilities, attendance and traffic. The proposed Rules and Regulations are similar to and consistent with rules and regulations for other city and state park and recreational facilities.

Instructions: Add the following chapter to the South Carolina Code of Regulations.

Text:

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

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Filed: September 25, 2008 2:01 pm

Document No. 4021
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110, 38-9-180, and
38-63-510 et seq.

69-57.3. Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values

Emergency Situation:

Based on a report commissioned by the Society of Actuaries (Society) the Life and Health Actuarial Task Force of the National Association of Insurance Commissioners recently determined that the use of the 2001 CSO table for preneed life insurance policies does not appropriately reflect the mortality experience of preneed life insurance. Preneed policies are policies offered by life insurers to cover funeral and burial expenses. The Society found that the 2001 CSO table produces inadequate reserves for preneed life insurance. These inadequate reserves could ultimately affect the solvency of the insurers offering these products, their ability to pay claims and hence, the welfare of the beneficiaries of the policy. However, effective on January 1, 2009 the use of the 2001 CSO mortality table by all life companies is mandatory.

Promulgation of this regulation is crucial to: 1) ensuring that preneed life insurance reserves are at an appropriate level so that insurers are able to honor their policyholder obligations; 2) promoting a responsible competitive environment by ensuring all companies are acting responsibly; 3) creating equitable value for consumers by increasing cash values; and 4) promoting the reliability, solvency and financial stability of insurance companies by increasing the reserve requirement on preneed life insurance policies. Promulgation of this emergency regulation is also necessary to allow insurers a time period to transition to the use of the 1980 Commissioners Standard Ordinary (CSO) Life Valuation Mortality Table for insurance policies and certificates and similar contracts and certificates issued on or after January 1, 2009. This emergency regulation is based on the National Association of Insurance Commissioners' Preneed Values Model Regulation (Model 817) adopted in March, 2008. The use of the 1980 CSO Tables for preneed policies is expected to be formally adopted upon approval of a joint resolution by the General Assembly in the 2009 session.

Text:

69-57.3. Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values.

Section 1. Authority

Section 2. Scope

Section 3. Purpose

Section 4. Definitions

Section 5. Minimum Valuation Mortality Standards

Section 6. Minimum Valuation Interest Rate Standards

Section 7. Minimum Valuation Method Standards

Section 8. Transition Rules

Section 9. Effective Date

Section 1. Authority

This regulation is promulgated by the Director of Insurance pursuant to South Carolina Code Sections 38-9-180 and 38-63-510 et seq. as well as Regulation 69-57.

Section 2. Scope

This rule applies to preneed insurance contracts, as defined in section 4 of this regulation, and to similar policies and certificates.

Section 3. Purpose

The purpose of this regulation is to establish for preneed insurance products minimum mortality standards for reserves and nonforfeiture values, and to require the use of the 1980 Commissioners Standard Ordinary (CSO) Life Valuation Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products.

Section 4. Definitions

A. "2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for males and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002). Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last –birthday bases of the mortality tables.

B. "Ultimate 1980 CSO" means the Commissioners' 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

C. "Preneed insurance" means any life insurance policy or certificate, which has for its purpose the furnishing or performance of funeral services, or the furnishing or delivery of personal property, merchandise, services of any nature in connection with the final disposition of a dead human body, to be furnished or delivered at a time determinable by the death of the person whose body is to be disposed of, but does not mean the furnishing of a cemetery lot, crypt, niche, mausoleum, grave marker or monument.

Section 5. Minimum Valuation Mortality Standards

For preneed insurance contracts, as defined in section 4C, and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and nonforfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

Section 6. Minimum Valuation Interest Rate Standards

A. The interest rates used in determining the minimum standard for valuation of preneed insurance shall be the calendar year statutory valuation interest rates as defined in South Carolina Code Section 38-9-180.

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B. The interest rates used in determining the minimum standard for nonforfeiture values for preneed insurance shall be the calendar year statutory nonforfeiture interest rates as defined in South Carolina Code Section 38-63-510 et seq.

Section 7. Minimum Valuation Method Standards

A. The method used in determining the standard for the minimum valuation of reserves of preneed insurance shall be the method defined in South Carolina Code Section 38-9-180.

B. The method used in determining the standard for the minimum nonforfeiture values for preneed insurance shall be the method defined in South Carolina Code Section 38-63-510 et seq.

Section 8. Transition Rules

A. For preneed insurance policies issued on or after the effective date of this regulation and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for nonforfeiture benefits for both male and female insureds.

B. If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this regulation and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

- (1) A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;
- (2) A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves. (For the purpose of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies); and
- (3) Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this regulation and using the 2001 CSO as a minimum standard for reserves.

C. Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

Section 9. Effective Date

This regulation is applicable to preneed insurance policies and certificates and similar contracts and certificates, as specified in section 2, issued on or after January 1, 2009.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values.

Purpose: The proposed regulation provides for the use of the 1980 Commissioners Standard Ordinary (CSO) Life Valuation Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products

Legal Authority: S.C. Code Sections 1-23-110 et seq., 38-9-180, 38-63-510 et seq and Regulation 69-57.

Plan for Implementation: The proposed regulation will be implemented by the S.C. Department of Insurance.

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

The proposed regulation is needed to appropriately reflect the mortality experience of preneed life insurance and produce adequate reserves for preneed life insurance products.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by increasing necessary reserves to an appropriate level, promoting a responsible competitive environment by ensuring all companies are acting responsibly and creating equitable value for consumers by increasing cash values.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include enhanced availability of preneed life insurance and the establishment of adequate reserves.

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

Promulgation of this regulation is crucial to ensuring that preneed life insurance reserves are at an appropriate level, promoting a responsible competitive environment by ensuring all companies are acting responsibly and creating equitable value for consumers by increasing cash values. The 2001 CSO Tables do not appropriately reflect the mortality experience of preneed life insurance and may produce inadequate reserves.

Filed: September 29, 2008 10:34 am

Document No. 4023

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

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

123-40. Hunting in Wildlife Management Areas

123-200, 123-203 and 123-205. Regulation of Real Property Owned or Leased by the Department of Natural Resources

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Since Botany Bay Plantation was opened for public use in July 2008, it is necessary to re-file these regulations as emergency.

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Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

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

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

(YY) Botany Bay Plantation WMA

All hunters, fishermen, and visitors must sign in and sign out upon entering or leaving Botany Bay Plantation WMA. Botany Bay Plantation WMA is closed to public access one hour after sunset until one hour before sunrise, except for special events regulated by DNR. Area is closed to general public access during scheduled deer and turkey hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is permitted on Friday, Saturday and Sunday, and is adult/youth catch and release only. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older, who may also fish.

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-200, 123-203 and 123-205. These regulations set use restrictions for DNR-owned and leased property. Since Botany Bay Plantation was opened for public use in July, 2008 it is necessary to re-file these regulations as emergency.

5. REGULATION OF REAL PROPERTY OWNED OR LEASED BY DEPARTMENT

123-200. Regulations Applicable to Real Property Owned or leased as a Wildlife Management Area by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to all lands owned or leased by the Department of Natural Resources. This regulation applies to all lands, structures, and property owned or leased by the Department of Natural Resources, including but not limited to wildlife management areas, heritage preserves, boat landings, and game preserves or reserves.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123-40. The regulations below will apply to Department owned or leased wildlife management area lands in addition to R.123-40. In case of any conflict with R.123-40, this regulation will prevail.

123-203. General Regulation.

This section shall apply to all Department land, owned or leased except as provided in any regulation for Heritage Preserves in 123.204 or specific Department land designated in 123.205.

123-205. Regulations Applicable to Specific Properties.

FF. Botany Bay Plantation WMA

(1) Horseback riding by permit only, on roads open to vehicular traffic and areas specifically designated for horse riding. No groups larger than ten (10) horses. All dikes are closed to horseback riding. No horseback riding during scheduled deer, turkey and hog hunting except Sunday. Free permits are available at kiosks. Permit must be in possession while riding and data cards completed and returned to the kiosks upon leaving the area.

(2) No camping is allowed.

(3) All terrain vehicles are prohibited except those permitted by SCDNR for special management activities.

(4) The Fig Island shell rings are closed to all public access except organized scientific, management or educational activities permitted by the SCDNR.

(5) Access to the beach is by foot, bicycle or boat; no horses allowed on the beach. No dogs allowed on the beach. No collection, removal or possession of shells, fossils, driftwood or cultural artifacts is permitted except that youth (17 years of age and younger) may collect one quart of shells per day.

(6) Sea Cloud Landing on Ocella Creek and all other designated access points are restricted to non-trailer watercraft.

(7) All hunters, fishermen and visitors must sign in and sign out upon entering or leaving.

(8) Botany Bay Plantation WMA is closed to public access one hour after sunset until one hour before sunrise except for special events regulated by DNR.

(9) No person may gather, collect, deface, remove, damage, disturb, destroy, or otherwise injure in any manner whatsoever the plants, animals (except lawful hunting), fungi, rocks, minerals, fossils, artifacts, or ecofacts including but not limited to any tree, flower, shrub, fern, moss, charcoal, plant remains, or animal remains. The Department may authorize the collection of certain material upon issuance of a permit as provided in 123-207.

(10) Shorebased fishing, shrimping, and crabbing, is allowed only on the front beach and in designated areas only.

(11) SCDNR reserves the right to close specific areas as needed for management purposes.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-200, 123-203 and 123-205. These regulations set use restrictions for DNR-owned and leased property. Since Botany Bay Plantation was opened for public use in July, 2008 it is necessary to re-file these regulations as emergency.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

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

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

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

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulations 123-200, 123-203 and 123-205 will result in increased public use and hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Fiscal Impact Statement:

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

Document No. 3224

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Synopsis:

The Department has amended R.61-62, Air Pollution Control Regulations and Standards, to adopt U.S. Environmental Protection Agency (EPA) federally mandated regulations pursuant to 40 CFR Parts 60, 61, 63, 70, 72, and 96. The federal amendments include clarification, guidance and technical amendments regarding *Standards of Performance for New Stationary Sources, National Emission Standards For Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants For Source Categories*.

These amendments revise R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS); R. 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP); R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, R. 61-62.70, Title V Operating Permit Program, R. 61-62.72, Acid Rain, and R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program General Provisions, to incorporate recent Federal amendments promulgated during the period from January 1, 2007, through December 31, 2007. R. 61-62.1, Definitions and General Requirements, was also revised to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the EPA on January 18, 2007. R. 61-62.5, Standard No. 2, Ambient Air Quality Standards, was revised to adopt the Federal change in the National Ambient Air Quality Standard (NAAQS) for the 24-hour primary standard for fine particulate matter (PM_{2.5}). Corrections were made to Standard No. 5 - Volatile Organic Compounds, and citation corrections were made to R. 61-62.5, Standard No. 3, Waste Combustion and Reduction, R. 61-62.5, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), and R. 61-62.70, Title V Operating Permit Program. Revisions also include typographical corrections and clarifications.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

R. 61-62.1, Section I.94

Add "HFE-7300" to the definition of Volatile Organic Compounds.

R. 61-62.5, Std. No. 2

Amend Table to reflect changes in PM_{2.5} 24-hour standard.

R. 61-62.5, Std. No. 3, Section VI.D.3

Change regulation citation.

R. 61-62.5, Std. No. 3.1, Section VIII(k)

Change regulation citation.

R. 61-62.5, Std. No. 5, Section II.Part Q.2.a.(i)(a)(b)

Correct previous omissions.

R. 61-62.60

Tables in Subparts A, B, D, Da, Db, Dc, BB, VV, and GGG are amended to incorporate revisions.

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R. 61-62.60

Subparts VVa and GGGa are added.

R. 61-62.61

Table in Subpart A is amended to incorporate revisions.

R.61-62.63

Tables in subparts A, E, T, HH, II, YY, DDDD, IIII and PPPP are amended to incorporate revisions.

R. 61-62.63.40(f)(2), (f)(3), (f)(4) and (f)(5)

Change regulation citation in Subpart B.

R. 61-62.63.41(n), (o), (p), (q), (r), and (s)

Add the definition of “organic HAP” and re-order corresponding sections in Subpart B.

R. 61-62.63

Subparts UUUUU, VVVVV, WWWWW, XXXXX, YYYYY, ZZZZZ, AAAAAA, BBBBBB, CCCCCC, DDDDDD, EEEEE, FFFFFF, GGGGGG, HHHHHH, IIIII, JJJJJ, KKKKKK, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, and TTTTTT are added.

R. 61-62.70.2(r)(2)(xx)

Revise the definition of “chemical process plants.”

R. 61-62.70.7(d)(3)(iii)

Change regulation citation.

R. 61-62.72

Table in Subpart B is amended to incorporate revisions.

R. 61-62.96

Tables in Subparts AA, AAA, AAAA are amended to incorporate revisions.

R. 61-62.96.153(c)

Add text to clarify the process of recording CAIR NO_x allocations in Subpart FF.

R. 61-62.96.302

Add the definition of “Commence commercial operation” and correct/clarify the definitions of “Commence operation” (a), and “Fossil-fuel-fired” (b)(1) in Subpart AAAA.

R. 61-62.96.342(e)(2)

Add “s” in text in Subpart EEEE.

R. 61-62.96.353(c)

Add text to clarify the process of recording CAIR NO_x allocations in Subpart FFFF.

Instructions:

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

Text:**R.61-62.1, Definitions and General Requirements:**

Regulation 61-62.1, Section 1.94 shall be revised as follows:

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

acetone;
 $(\text{CF}_3)_2\text{CFCF}_2\text{OC}_2\text{H}_5$ (2-(ethoxydifluoromethyl)-(1,1,1,2,3,3,3-heptafluoropropane);
 $((\text{CF}_3)_2\text{CFCF}_2\text{OCH}_3)$ (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);
 CFC-11 (trichlorofluoromethane);
 CFC-12 (dichlorodifluoromethane);
 CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane);
 CFC-114 (1,2-dichloro-1,1,2,2-tetrafluoroethane);
 CFC-115 (chloropentafluoroethane);
 ethane;
 HCFC-22 (chlorodifluoromethane);
 HCFC-31 (chlorofluoromethane);
 HCFC-123 (1,1,1-trifluoro-2,2-dichloroethane);
 HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane);
 HCFC-124 (2-chloro-1,1,1,2-tetra-fluoroethane);
 HCFC-134a (1,1,1,2-tetrafluoroethane);
 HCFC-141b (1,1-dichloro-1-fluoroethane);
 HCFC-142b (1-chloro-1,1-difluoroethane);
 HCFC-151a (1-chloro-1-fluoroethane);
 HCFC 225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);
 HCFC 225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);
 HFC-23 (trifluoromethane);
 HFC-32 (difluoromethane);
 HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);
 HFC-125 (pentafluoroethane);
 HFC-134 (1,1,2,2-tetrafluoroethane);
 HFC-143a (1,1,1-trifluoroethane);
 HFC-152a (1,1-difluoroethane);
 HFC-161 (ethylfluoride);
 HFC 227ea (1,1,1,2,3,3,3-heptafluoropropane);
 HFC-236ea (1,1,1,2,3,3,3-hexafluoropropane);
 HFC-236fa (1,1,1,3,3,3-hexafluoropropane);
 HFC-245ca (1,1,2,2,3-pentafluoropropane);
 HFC-245ea (1,1,2,3,3-pentafluoropropane);
 HFC-245eb (1,1,1,2,3-pentafluoropropane);
 HFC-245fa (1,1,1,3,3-pentafluoropropane);
 HFC-365mfc (1,1,1,3,3-pentafluorobutane);
 HFE-7000 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane) or $(\text{n-C}_3\text{F}_7\text{OCH}_3)$;
 HFE-7100 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane) or $(\text{C}_4\text{F}_9\text{OCH}_3)$;
 HFE-7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or $(\text{C}_4\text{F}_9\text{OC}_2\text{H}_5)$;
 HFE-7300 (1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane);
 HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane;
 methane;

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methyl acetate;
methyl chloroform (1,1,1-trichloroethane);
methylene chloride (dichloromethane);
methyl formate (HCOOCH₃);
parachlorobenzotrifluoride (PCBTF);
perchloroethylene (tetrachloroethylene); and
perfluorocarbon compounds that fall into these classes:
 (i) cyclic, branched, or linear, completely fluorinated alkanes;
 (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
 (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes) (VMS)

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

The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAC).

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

Regulation 61-62.5, Standard No. 2, Section VI.D.3 shall be revised as follows:

The following table constitutes the ambient air quality standards for the State of South Carolina. The analytical methods to be used will be those applicable Federal Reference Methods published in 40 CFR 50, Appendices A-N as revised July 18, 1997. In the case of fluorides either the double paper tape sampler methods (ASTM D-3266-79) or the sodium bicarbonate-coated glass tube and particulate filter method (ASTM D3268-78) may be used.

Pollutant	Measuring Interval	Micrograms Per Cubic Meter Unless Noted Otherwise (1) (2)
Sulfur Dioxide	3 hours	1300 (4)
	24 hours	365 (4)
	annual	80
Total Suspended Particulates	Annual Geometric Mean	75
PM10	24 hours	150 (3)
	annual	50 (3)
PM 2.5 (Primary and Secondary Standards)	24 hours	35 (3)
	annual	15 (3)
Carbon Monoxide	1 hour	40 mg per cubic meter
	8 hour	10 mg per cubic meter

Pollutant	Measuring Interval	Micrograms Per Cubic Meter Unless Noted Otherwise (1) (2)
Ozone	1 hour	0.12 ppm (3)
Ozone	8 hours	0.08 ppm (3)
Gaseous Fluorides (as HF)	12 hr. avg.	3.7
	24 hr. avg.	2.9
	1 wk. avg.	1.6
	1 mo. avg.	0.8
Nitrogen Dioxide	annual	100
Lead	Calendar Quarterly Mean	1.5

(1) Arithmetic Average except in case of total suspended particulate matter

(2) At 250 C and 760 mm Hg.

(3) Attainment determinations will be made based on the criteria contained in 40 CFR 50 Appendices H, I, K and N.

(4) Not to be exceeded more than once a year.

R.61-62.5, Standard No. 3 - Waste Combustion and Reduction:

Regulation 61-62.5, Standard No. 3, Section VI.D.3 shall be revised as follows:

SECTION VI - Continuous Monitoring Requirements

D. ...

3. For those sources not required to have a continuous emission monitor for the specified pollutant, a detailed report shall be submitted to the Department within 30 days following any exceedance of limits specified in the sources permit and/or this Standard unless otherwise approved in a Department approved malfunction plan. The report shall include at a minimum all of the elements listed in R.61-62.1 Section II. J.1.c.

R.61-62.5, Standard No. 3.1 - Hospital/Medical/Infectious Waste Incinerators (HMIWI):

Regulation 61-62.5, Standard 3.1, Section VIII(k) shall be revised as follows:

SECTION VIII. - Recordkeeping and Reporting Requirements

(k) The owner or operator of an affected facility shall ensure the appropriate District Environmental Quality Control Office is notified by telephone immediately following any failure of process equipment, failure of any air pollution control equipment, failure of any monitoring equipment, or a process operational error which results in an increase in emissions above any allowable emission rate. In addition, the owner or operator of an affected facility shall ensure that the Department is notified in writing of the problem and measures taken to correct the problem as expeditiously as possible in accordance with South Carolina Air Pollution Control Regulation 61-62.1, Section II. J.1.c.

R.61-62.5, Standard No. 5 - Volatile Organic Compounds:

Regulation 61-62.5, Standard No. 5, Section II.Part Q.2.a.(i)(a)(b) shall be revised as follows:

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Part Q. Manufacture of Synthesized Pharmaceutical Products

2. ...

a. ...

(i) If surface condensers are used, the condenser outlet gas temperature must not exceed:

(a) minus (-)25° C when condensing VOC of vapor pressure greater than 40.0 k Pa (5.8 psi) measured at 20° C,

(b) minus (-)15° C when condensing VOC of vapor pressure greater than 20.0 k Pa (2.9 psi) measured at 20° C, ...

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

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

Subpart A - “General Provisions”

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

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

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]

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

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

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

40 CFR Part 60 subpart B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 44	November 9, 1979	[44 FR 65071]

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40 CFR Part 60 subpart B			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 54	December 20, 1989	[54 FR 52189]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 65	December 6, 2000	[65 FR 76378]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

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

Subpart D - “Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971”

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

40 CFR Part 60 subpart D			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 61	September 24, 1996	[61 FR 49976]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]

Revise Regulation 61-62.60, Subpart Da as follows:

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978”

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

40 CFR Part 60 subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	August 30, 2005	[70 FR 51266]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]

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

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

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

40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]

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40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 72	June 13, 2007	[72 FR 32710]

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

Subpart Dc - “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units”

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

40 CFR Part 60 subpart Dc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]

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

Subpart BB - “Standards of Performance for Kraft Pulp Mills”

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

40 CFR Part 60 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

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

Subpart VV - “Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry”

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

40 CFR Part 60 subpart VV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 49	May 30, 1984	[49 FR 22607]
Revision	Vol. 49	June 29, 1984	[49 FR 26738]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 60	August 18, 1995	[60 FR 43258]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]

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

Subpart VVa - “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries”

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

40 CFR Part 60 subpart Vva			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]

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

Subpart GGG - “Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries”

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

40 CFR Part 60 subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 49	May 30, 1984	[49 FR 22606]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]

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

Subpart GGGa - “Standards Of Performance For Equipment Leaks Of VOC In Petroleum Refineries For Which Construction, Reconstruction, Or Modification Commenced After November 7, 2006”

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

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40 CFR Part 60 subpart GGGa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	November 16, 2007	[72 FR 64860]

R. 61-62.61, National Emission Standards For Hazardous Air Pollutants:

Regulation 61-62.61, Subpart A shall be revised as follows:

Subpart A - "General Provisions"

The provisions of Title 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]
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]

40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
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]
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]

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

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

Subpart A - “General Provisions”

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

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]

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40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]

Regulation 61-62.63, Subpart B, Section 63.40(f)(2), (f)(3), (f)(4) and (f)(5) shall be revised as follows:

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

Section 63.40 - Applicability

(f) Synthetic Minor Provisions. Any “affected source,” as defined by Regulation 61-62.63, Section 63.41, may request to use federally enforceable permit conditions to limit the source’s potential to emit and become a synthetic minor source.

(1) An affected source desiring to be a synthetic minor source shall provide a written request to the Department for a federally enforceable construction permit conditioned to constrain the operation of the source, along with a completed construction permit application package. The construction or reconstruction of the source shall not commence until the source has received an effective permit to construct.

(2) The enforceable permit conditions provisions of S.C. Regulation 61-62.1, Section II. E.3 shall apply to synthetic minor source permits.

(3) The public participation procedures of S.C. Regulation 61-62.1, Section II. N shall apply to synthetic minor source permits.

(4) The emergency provisions of S.C. Regulation 61-62.1, Section II. L shall apply to synthetic minor source permits.

(5) The permit application provisions of S.C. Regulation 61-62.1, Section II. E.5 shall apply to synthetic minor source permits.

Regulation 61-62.63, Subpart B, Section 63.41 (n), (o), (p), (q), (r), and (s) shall be revised as follows:

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

Section 63.41 - Definitions

(m) “Notice of MACT Approval” means a document issued by the Department containing all federally enforceable conditions necessary to enforce the application and operation of MACT or other control technologies such that the MACT emission limitation is met.

(n) “Organic Hap” means the compounds listed in Table 1 to subpart XX of this part.

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(o) “Presumptive MACT determination” means an estimation of maximum achievable control technology (MACT), based on limited data gathered within a short time frame, that serves as a basis for a decision on how to develop an emission standard for a particular source category. Factors such as control technology costs, non-air quality health and environmental impacts, energy requirements, and benefits are not typically considered in the estimation.

(p) “Process or production unit” means any collection of structures and/or equipment, that processes, assembles, applies, or otherwise uses material inputs to produce or store an intermediate or final product. A single facility may contain more than one process or production unit.

(q) “Reconstruct a major source” means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and

(2) It is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under this subpart.

(r) “Research and development activities” means activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.

(s) “Similar source” means a stationary source or process that has comparable emissions and is structurally similar in design and capacity to a constructed or reconstructed major source such that the source could be controlled using the same control technology.

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

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

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

40 CFR Part 63 subpart E			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 17, 2004	[69 FR 7372]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]

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

Subpart T - “National Emission Standards for Halogenated Solvent Cleaning”

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

40 CFR Part 63 subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61805]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29485]
Revision	Vol. 63	May 5, 1998	[63 FR 24751]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	July 13, 1999	[64 FR 37687]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 72	May 3, 2007	[72 FR 25138]

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

Subpart HH - “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities”

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

40 CFR Part 63 subpart HH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32628]
Revisions	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	January 3, 2007	[72 FR 26]

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

Subpart II - “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)”

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

40 CFR Part 63 subpart II			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 15, 1995	[60 FR 64336]
Revision	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 29, 2006	[71 FR 78369]
Revision	Vol. 72	February 27, 2007	[72 FR 8630]

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

Subpart YY - “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)”

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

40 CFR Part 63 subpart YY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]
Revision	Vol. 68	February 10, 2003	[68 FR 6635]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	June 29, 2007	[72 FR 35663]

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

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

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

40 CFR Part 63 subpart DDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 71	February 16, 2006	[71 FR 8347]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]

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

Subpart IIII - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks”

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

40 CFR Part 63 subpart IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 22, 2006	[71 FR 76922]
Revision	Vol. 72	April 24, 2007	[72 FR 20227]

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

Subpart PPPP - “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products”

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

40 CFR Part 63 subpart PPPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 22, 2006	[71 FR 76922]
Revision	Vol. 72	April 24, 2007	[72 FR 20227]

Regulation 61-62.63, Subpart UUUUU shall be added in alpha-numeric order as follows:

Subpart UUUUU – (Reserved)

Regulation 61-62.63, Subpart VVVVV shall be added in alpha-numeric order as follows:

Subpart VVVVV – (Reserved)

Regulation 61-62.63, Subpart WWWW shall be added in alpha-numeric order as follows:

Subpart WWWW - “National Emission Standards For Hospital Ethylene Oxide Sterilizers Applicability And Compliance Dates”

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

40 CFR Part 63 subpart WWWW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 28, 2007	[72 FR 73611]

Regulation 61-62.63, Subpart XXXXX shall be added in alpha-numeric order as follows:

Subpart XXXXX – (Reserved)

Regulation 61-62.63, Subpart YYYYY shall be added in alpha-numeric order as follows:

Subpart YYYYY - “National Emission Standards For Hazardous Air Pollutants For Area Sources: Electric Arc Furnace Steelmaking Facilities”

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

40 CFR Part 63 subpart YYYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 28, 2007	[72 FR 74088]

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Regulation 61-62.63, Subpart ZZZZZ shall be added in alpha-numeric order as follows:

Subpart ZZZZZ – (Reserved)

Regulation 61-62.63, Subpart AAAAAA shall be added in alpha-numeric order as follows:

Subpart AAAAAA – (Reserved)

Regulation 61-62.63, Subpart BBBBBB shall be added in alpha-numeric order as follows:

Subpart BBBBBB – (Reserved)

Regulation 61-62.63, Subpart CCCCCC shall be added in alpha-numeric order as follows:

Subpart CCCCCC – (Reserved)

Regulation 61-62.63, Subpart DDDDDD shall be added in alpha-numeric order as follows:

Subpart DDDDDD - “National Emission Standards For Hazardous Air Pollutants For Polyvinyl Chloride And Copolymers Production Area Sources”

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

40 CFR Part 63 subpart DDDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]

Regulation 61-62.63, Subpart EEEEE shall be added in alpha-numeric order as follows:

Subpart EEEEE - “National Emission Standards For Hazardous Air Pollutants For Primary Copper Smelting Area Sources”

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

40 CFR Part 63 subpart EEEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]

Regulation 61-62.63, Subpart FFFFFF shall be added in alpha-numeric order as follows:

Subpart FFFFFF - “National Emission Standards For Hazardous Air Pollutants For Secondary Copper Smelting Area Sources”

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

40 CFR Part 63 subpart FFFFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 3, 2007	[72 FR 36363]

Regulation 61-62.63, Subpart GGGGGG shall be added in alpha-numeric order as follows:

Subpart GGGGGG - “National Emission Standards For Hazardous Air Pollutants For Primary Nonferrous Metals Area Sources—Zinc, Cadmium, And Beryllium”

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

40 CFR Part 63 subpart GGGGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]

Regulation 61-62.63, Subpart HHHHHH shall be added in alpha-numeric order as follows:

Subpart HHHHHH – (Reserved)

Regulation 61-62.63, Subpart IIIIII shall be added in alpha-numeric order as follows:

Subpart IIIIII – (Reserved)

Regulation 61-62.63, Subpart JJJJJJ shall be added in alpha-numeric order as follows:

Subpart JJJJJJ – (Reserved)

Regulation 61-62.63, Subpart KKKKKK shall be added in alpha-numeric order as follows:

Subpart KKKKKK – (Reserved)

Regulation 61-62.63, Subpart LLLLLL shall be added in alpha-numeric order as follows:

Subpart LLLLLL - “National Emission Standards For Hazardous Air Pollutants For Acrylic And Modacrylic Fibers Production Area Sources”

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

40 CFR Part 63 subpart LLLLLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart MMMMMM shall be added in alpha-numeric order as follows:

Subpart MMMMMM - “National Emission Standards For Hazardous Air Pollutants For Carbon Black Production Area Sources”

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

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40 CFR Part 63 subpart MMMMMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart NNNNNN shall be added in alpha-numeric order as follows:

Subpart NNNNNN - “National Emission Standards For Hazardous Air Pollutants For Chemical Manufacturing Area Sources: Chromium Compounds”

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

40 CFR Part 63 subpart NNNNNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart OOOOOO shall be added in alpha-numeric order as follows:

Subpart OOOOOO - “National Emission Standards For Hazardous Air Pollutants For Flexible Polyurethane Foam Production and Fabrication Area Sources”

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

40 CFR Part 63 subpart OOOOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart PPPPPP shall be added in alpha-numeric order as follows:

Subpart PPPPPP - “National Emission Standards For Hazardous Air Pollutants For Lead Acid Battery Manufacturing Area Sources”

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

40 CFR Part 63 subpart PPPPPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart QQQQQQ shall be added in alpha-numeric order as follows:

Subpart QQQQQQ - “National Emission Standards For Hazardous Air Pollutants For Wood Preserving Area Sources”

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

40 CFR Part 63 subpart QQQQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	July 16, 2007	[72 FR 38864]

Regulation 61-62.63, Subpart RRRRRR shall be added in alpha-numeric order as follows:

Subpart RRRRRR - “National Emission Standards For Hazardous Air Pollutants For Clay Ceramics Manufacturing Area Sources”

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

40 CFR Part 63 subpart RRRRRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 26, 2007	[72 FR 73180]

Regulation 61-62.63, Subpart SSSSSS shall be added in alpha-numeric order as follows:

Subpart SSSSSS - “National Emission Standards For Hazardous Air Pollutants For Glass Manufacturing Area Sources”

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

40 CFR Part 63 subpart SSSSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 26, 2007	[72 FR 73180]

Regulation 61-62.63, Subpart TTTTTT shall be added in alpha-numeric order as follows:

Subpart TTTTTT - “National Emission Standards For Hazardous Air Pollutants For Secondary Nonferrous Metals Processing Area Sources”

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

40 CFR Part 63 subpart TTTTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 26, 2007	[72 FR 73180]

R. 61-62.70, Title V Operating Permit Program

Regulation 61-62.70.2(r)(2)(xx) shall be revised as follows:

70.2 Definitions.

r. “Major source”...

(2)...

(xx) Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;...

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Regulation 61-62.70.7(d)(3)(iii) shall be revised as follows:

70.7 Permit issuance, renewal, reopenings, and revisions.

(d)...

(3)...

(iii) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request, except transfer/ownership which must comply with South Carolina Code of Laws Regulation 61-62.1 Section II. M.

R. 61-62.72, Acid Rain:

Regulation 61-62.72, Subpart B shall be revised as follows:

Subpart B - “Designated Representative”

The provisions of Title 40 CFR Part 72, 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 72 subpart B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	January 11, 1993	[58 FR 3650]
Revision	Vol. 60	April 4, 1995	[60 FR 17100]
Revision	Vol. 62	October 24, 1997	[62 FR 55460]
Revision	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25328]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

R. 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program General Provisions:

Regulation 61-62.96, Subpart AA shall be revised as follows:

Subpart AA - “South Carolina CAIR NO_x Annual Trading Program General Provisions”

The provisions of Title 40 CFR Part 96, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

Subpart FF - “CAIR NO_x Allowance Tracking System”

Section 96.153(c) is modified to read:

By December 1, 2009 and December 1 of each fourth year thereafter, the Administrator will record in the CAIR NO_x source's compliance account the CAIR NO_x allowances allocated for the CAIR NO_x units at the source, as submitted by the permitting authority in accordance with §96.141(b), for the control period in the sixth year after the year of the applicable deadline for recordation under this paragraph.

The remainder of Section 96.153 is unchanged.

Regulation 61-62.96, Subpart AAA shall be revised as follows:

Subpart AAA - “CAIR SO₂ Trading Program General Provisions”

The provisions of Title 40 CFR Part 96, subpart AAA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 subpart AAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

Regulation 61-62.96, Subpart AAAA shall be revised as follows:

Subpart AAAA - “CAIR NO_x Ozone Season Trading Program General Provisions”

The provisions of Title 40 CFR Part 96, subpart AAAA, 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, except as noted below.

40 CFR Part 96 subpart AAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]
Revision	Vol. 72	October 19, 2007	[72 FR 59190]

The following definitions are revised in Section 96.302 Definitions:

“Commence commercial operation” - (a) For all units “commence commercial operation” means, with regard to a unit:

(1) To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in §96.305 and §96.384(h).

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(i) For a unit that is a CAIR NO_x Ozone Season unit under §96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

(ii) For a unit that is a CAIR NO_x Ozone Season unit under §96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition and that is subsequently replaced by a unit at the same source (*e.g.*, repowered), such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (1) or (2) of this definition as appropriate.

(2) Notwithstanding paragraph (1) of this definition and except as provided in §96.305, for a unit that is not a CAIR NO_x Ozone Season unit under §96.304 on the later of November 15, 1990, or the date the unit commences commercial operation as defined in paragraph (1) of this definition, the unit's date for commencement of commercial operation shall be the date on which the unit becomes a CAIR NO_x Ozone Season unit under §96.304.

(i) For a unit with a date for commencement of commercial operation as defined in paragraph (2) of this definition and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

(ii) For a unit with a date for commencement of commercial operation as defined in paragraph (2) of this definition and that is subsequently replaced by a unit at the same source (*e.g.*, repowered), such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (1) or (2) of this definition as appropriate.

“Commence operation” - (a) For all units “commence operation” means: ...

“Fossil-fuel-fired” - (a) For a unit subject to 96.304 (a)(1)(i), (a)(2) or (b), “fossil-fuel-fired” means with regard to a unit, combusting any amount of fossil fuel in any calendar year.

(b) ...

(1) For units that commenced operation before January 1, 1996, the combination of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50 percent of the annual heat input on a Btu basis during 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995.

Subpart EEEE - “CAIR NO_x Ozone Season Allowance Allocations”

Section 96.342 CAIR NO_x Ozone Season Allowance Allocations.

(e) The baseline heat input (in mmBtu) used with respect to CAIR NO_x Ozone Season allowance allocations for non-EGUs for each CAIR NO_x Ozone Season unit under section 96.341(b) will be: ...

(2) For a CAIR NO_x Ozone Season allowance allocation under section 96.341(b)(2), the allowances will be determined using the unit's baseline heat input equal to the unit's single highest adjusted control period heat input for the years that are five, six, seven and eight years before the first year of the control periods for which the CAIR NO_x Ozone Season allowance allocation is being calculated.

Subpart FFFF - “CAIR NO_x Ozone Season Allowance Tracking System”

The provisions of Title 40 CFR Part 96, subpart FFFF, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 96 subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 71	April 28, 2006	[71 FR 25304]
Revision	Vol. 71	December 13, 2006	[71 FR 74792]

Section 96.353(c) is modified to read:

By December 1, 2010 and December 1 of each fourth year thereafter, the Administrator will record in the CAIR NO_x Ozone Season source's compliance account the CAIR NO_x Ozone Season allowances allocated for the CAIR NO_x Ozone Season units at the source, as submitted by the permitting authority in accordance with §96.341(b), for the control period in the sixth year after the year of the applicable deadline for recordation under this paragraph.

The remainder of Section 96.353 is unchanged.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan.

Purpose: These amendments will maintain conformity with Federal requirements and ensure compliance with Federal standards.

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

Plan for Implementation: The amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the State Register.

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

Each year the United States Environmental Protection Agency (EPA) promulgates amendments to Federal regulations to include clarification, guidance and technical amendments. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both State and Federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards that have been adopted are already effective and applicable to the regulated community as a matter of Federal law. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

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UNCERTAINTIES OF ESTIMATES:

EPA provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through these amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan will provide continued protection of the environment and public health.

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

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