

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2013 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 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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DOC. No.	RAT. No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4210			Licensed Midwives	5/08/13	Department of Health and Envir Control
4259			South Carolina Immunization Registry	5/08/13	Department of Health and Envir Control
4237			Definitions	5/08/13	LLR-Panel for Dietetics
4311			Sign Requirements for Petitions to Close Road	5/08/13	Department of Transportation
4312			Specific Information Service Signing	5/08/13	Department of Transportation
4303			Buildings and Grounds-Cleaning Program	5/08/13	State Board of Education
4304			Buildings and Grounds. Defined Minimum Program for South Carolina School District	5/08/13	State Board of Education
4305			Building and Grounds-Heating and Lighting	5/08/13	State Board of Education
4306			Buildings and Grounds Management-Fire Prevention	5/08/13	State Board of Education
4307			Facility Specifications	5/08/13	State Board of Education
4310			Project Plans and Specifications	5/08/13	State Board of Education
4226			Duties and Responsibilities of Department; Modular Buildings Construction	5/08/13	Building Codes Council
4243			Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	5/08/13	Manufactured Housing Board
4301			Notification and Fees Summary Procedures - Licensing, Adjustment of Dollar Amounts, Filing and Posting Maximum Rate Schedules, and "Lemon Law" Records and Arbitration	5/08/13	Department of Consumer Affairs
4302			Organization, Other Cases - Summary Procedure, Place of Hearings, Case Numbers and Titles, Form and Size of Papers, Filing and Service, Procedure, Contents of Formal Complaint, Answers, Pleadings and Action, Investigative Cases, Hearings, Evidence, and Close of Hearing	5/08/13	Department of Consumer Affairs
4296			Controlled Substances	5/09/13	Department of Health and Envir Control
4282			Requirements of Licensure for Chiropractors	5/13/13	Board of Chiropractic Examiners
4286			Mediation	5/13/13	Workers' Compensation Commission
4168			Perpetual Care Cemetery Board	5/14/13	Perpetual Care Cemetery Board
4231			Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	5/17/13	Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists
4252			Residential Specialty Contractors License	5/17/13	Residential Builders Commission
4268			Fees	5/17/13	Board of Funeral Service
4318			Requirements of Licensure for Funeral Service Providers	5/17/13	Board of Funeral Service
4320			International Building Code, International Fire Code, International Fuel Gas Code, and National Electrical Code	5/17/13	LLR-Building Codes Council
4321			International Residential Code	5/20/13	LLR-Building Codes Council
4297			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/25/13	Department of Natural Resources
4327			Code of Ethics, Interpretation of Standards, and Reporting of Disciplinary Actions	5/30/13	LLR-Panel for Dietetics
4314			Agritourism and Tourism-Oriented Directional Signing	5/31/13	Department of Transportation
4328			Requirements of Licensure for Occupational Therapists	6/05/13	Occupational Therapy Board
4317			Unemployment Insurance	6/06/13	Department of Employment and Workforce
4267			Emergency Licensure	1/19/14	Contractors' Licensing Board
4325			Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	1/26/14	State Board of Education
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4336			Requirements of Licensure in the Field of Cosmetology (Educational Requirements)	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/03/14	Board of Cosmetology
4338			Financial Responsibility	2/03/14	Manufactured Housing Board

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Committee Request Withdrawal

4264	Duplicate Wall or Pocket Card Licenses; Fees	Tolled	Auctioneers' Commission
4261	Graduation Requirements	Tolled	State Board of Education
4285	Transfers and Withdrawals	Tolled	State Board of Education
4294	Defined Program, Grades 9-12	Tolled	State Board of Education
4308	Gifted and Talented	Tolled	State Board of Education
4309	Procedures and Standards for Review of Charter School Applications	Tolled	State Board of Education

Permanently Withdrawn

4288	Standards for Licensing In-Home Care Providers		Department of Health and Envir Control
4290	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas		Department of Natural Resources
4283	Oral Argument		Workers' Compensation Commission

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4210	Licensed Midwives	Medical, Military, Pub & Mun Affairs	Medical Affairs
4259	South Carolina Immunization Registry	Medical, Military, Pub & Mun Affairs	Medical Affairs
4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4311	Sign Requirements for Petitions to Close Road	Education and Public Works	Transportation
4312	Specific Information Service Signing	Education and Public Works	Transportation
4303	Buildings and Grounds-Cleaning Program	Education and Public Works	Education
4304	Buildings and Grounds. Defined Minimum Program for South Carolina School District	Education and Public Works	Education
4305	Building and Grounds-Heating and Lighting	Education and Public Works	Education
4306	Buildings and Grounds Management-Fire Prevention	Education and Public Works	Education
4307	Facility Specifications	Education and Public Works	Education
4310	Project Plans and Specifications	Education and Public Works	Education
4226	Duties and Responsibilities of Department; Modular Buildings Construction	Labor, Commerce and Industry	Labor, Commerce and Industry
4243	Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses	Labor, Commerce and Industry	Labor, Commerce and Industry
4301	Notification and Fees Summary Procedures - Licensing, Adjustment of Dollar Amounts, Filing and Posting Maximum Rate Schedules, and "Lemon Law" Records and Arbitration	Labor, Commerce and Industry	Banking and Insurance
4302	Organization, Other Cases - Summary Procedure, Place of Hearings, Case Numbers and Titles, Form and Size of Papers, Filing and Service, Procedure, Contents of Formal Complaint, Answers, Pleadings and Action, Investigative Cases, Hearings, Evidence, and Close of Hearing	Labor, Commerce and Industry	Banking and Insurance
4296	Controlled Substances	Medical, Military, Pub & Mun Affairs	Medical Affairs
4282	Requirements of Licensure for Chiropractors	Medical, Military, Pub & Mun Affairs	Medical Affairs
4286	Mediation	Labor, Commerce and Industry	Judiciary
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4231	Requirements of Licensure for Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4252	Residential Specialty Contractors License	Labor, Commerce and Industry	Labor, Commerce and Industry
4268	Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4318	Requirements of Licensure for Funeral Service Providers	Labor, Commerce and Industry	Labor, Commerce and Industry
4320	International Building Code, International Fire Code, International Fuel Gas Code, and National Electrical Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4321	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4297	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4327	Code of Ethics, Interpretation of Standards, and Reporting of Disciplinary Actions	Labor, Commerce and Industry	Labor, Commerce and Industry
4314	Agritourism and Tourism-Oriented Directional Signing	Education and Public Works	Transportation
4328	Requirements of Licensure for Occupational Therapists	Labor, Commerce and Industry	Labor, Commerce and Industry
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4267	Emergency Licensure	Labor, Commerce and Industry	Labor, Commerce and Industry
4325	Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	Education and Public Works	Education
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4336	Requirements of Licensure in the Field of Cosmetology (Educational Requirements)	Medical , Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4338	Financial Responsibility	Labor, Commerce and Industry	Labor, Commerce and Industry

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Committee Request Withdrawal

4264	Duplicate Wall or Pocket Card Licenses; Fees	Labor, Commerce and Industry	Labor, Commerce and Industry
4261	Graduation Requirements	Education and Public Works	Education
4285	Transfers and Withdrawals	Education and Public Works	Education
4294	Defined Program, Grades 9-12	Education and Public Works	Education
4308	Gifted and Talented	Education and Public Works	Education
4309	Procedures and Standards for Review of Charter School Applications	Education and Public Works	Education

Permanently Withdrawn

4288	Standards for Licensing In-Home Care Providers	Medical, Military, Pub & Mun Affairs	Medical Affairs
4290	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	Agriculture and Natural Resources	Fish, Game and Forestry
4283	Oral Argument	Labor, Commerce and Industry	Judiciary

Executive Order No. 2013-02

WHEREAS, while South Carolina's business climate is improving, it is imperative that we foster a stronger and more competitive business climate to encourage entrepreneurial and business activities, employment, and economic growth in our State; and

WHEREAS, South Carolina can improve its business climate by reducing government involvement in business and professional activities that stifle entrepreneurship, small business creation, and economic growth; and

WHEREAS, one way to reduce government involvement in business is to create a more simplified and market-friendly regulatory system that is regularly evaluated to determine the costs and benefits to the public and businesses; and

WHEREAS, hundreds of state statutes, rules, and regulations should be thoroughly reviewed in a thoughtful, balanced, and expeditious way in order to assess their potential or actual effects on South Carolina's economy; to determine whether their costs and other burdens on businesses, employers, and the public outweigh their intended benefits; and to provide a basis for a promulgating agency to withdraw or amend any proposed or current rules or regulations that unduly burden South Carolina's businesses and workers.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby establish the Governor's Regulatory Review Task Force ("Task Force") to be composed of eleven members to include the chairman of the Small Business Regulatory Review Committee, appointees from the majority and minority leaders of the Senate and House of Representatives, and representatives from different business sectors and the conservation community, of which I shall designate the chairperson. I hereby direct the Task Force as follows:

Section I. Task Force Directives

1. Task Force Mission: To develop a report that evaluates South Carolina's current regulatory burdens on all sizes and types of businesses in South Carolina and proposes recommendations to relieve those burdens.

2. Duties and responsibilities:

a. The Task Force shall evaluate the reports submitted by agencies, pursuant to Section II, that identify current and proposed statutes, rules, regulations, and policies that are a burden on South Carolina's economy.

b. The Task Force shall cooperate and coordinate with the Small Business Regulatory Review Committee, as practicable, to identify burdensome statutes, rules, regulations, and policies.

c. The Task Force shall conduct public hearings and solicit input from businesses, employers, employees, conservation groups, professional associations, state agencies, and other interested persons and groups to develop its final report. As practicable, the Task Force shall conduct public hearings in local communities around the State.

d. Staff will be designated to assist the Task Force in developing its report.

e. The Task Force shall submit its final report on or before November 15, 2013 to the Governor and the members of the General Assembly.

6 EXECUTIVE ORDERS

FURTHER, I hereby direct all Cabinet agencies and encourage all other executive agencies as follows:

Section II. Agency Directives

1. Each agency shall identify its current and proposed statutes, rules, regulations, and policies that are a burden on South Carolina's economy using the following guidelines:

a. Each agency shall comprehensively review all current and proposed statutes, rules, regulations, and policies in order to assess their effects on South Carolina's economy and to determine whether their costs to businesses and employers outweigh their intended benefits.

b. In evaluating statutes, rules, regulations, and policies, each agency should consider factors to include, but not limited to, their necessity, complexity, efficiency, effectiveness, redundancy, public complaints or comments, short- and long-term effects, impact on all affected persons, both intended and unintended, and unintended negative consequences.

2. Each agency shall submit a written report to the Task Force on or before May 15, 2013, providing detailed recommendations to repeal or amend any provisions that unduly burden businesses and employers.

3. Each agency is authorized to call upon any department, office, division, or agency of this State to supply it with data and other information, personnel, or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division, or agency of the State is hereby required, to the extent not inconsistent with law, to cooperate with another agency and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purpose of this Order.

4. Each agency shall take care to solicit both written and oral comments from the public, including businesses, employees, professional associations, conservation organizations, and other affected persons or entities as the agency deems appropriate and to consider the views expressed by those parties in any report.

5. Any agencies affected by the Small Business Regulatory Flexibility Act of 2004 shall work in conjunction with the Small Business Regulatory Review Committee to review current and proposed regulations using the factors described in this Order and the Act, to make recommendations to the Task Force on or before May 15, 2013, and to repeal or amend any provisions that unduly burden small businesses and employers.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12TH DAY OF FEBRUARY 2013.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2013-04

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

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

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

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

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

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

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

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

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

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

8 EXECUTIVE ORDERS

Chairperson of Sumter County Council
Mayor of Beaufort
Mayor of Charleston
Mayor of Columbia
Mayor of North Charleston
Mayor of Port Royal
Mayor of Sumter

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

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

- (1) to be eligible for appointment by the Governor as an at-large member, a person must have demonstrated experience in one or more of the following areas: economic development, defense industry, military installation operation, environmental issues, finance, local government, or senior military leadership;
- (2) four of the at-large members shall represent, respectively, the four military communities (Beaufort, Charleston, Columbia, and Sumter) and each shall reside in the military community which he/she is appointed to represent; and
- (3) the Governor shall appoint a fifth at-large member who shall also serve as the Task Force Chairman.

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

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

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

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

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

This Order shall take effect immediately and replace in its entirety Executive Order 2011-21.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 7th DAY
OF MARCH 2013.**

**NIKKI R. HALEY
Governor**

10 NOTICES

BUDGET AND CONTROL BOARD

NOTICE OF GENERAL PUBLIC INTEREST

This notice is published pursuant to Sections 1-23-40(2) and 1-34-30(A).

Section 10-1-180 charges the State Engineer with the enforcement and interpretation of building codes applicable to state buildings. Section 1-34-30(A) requires that an agency adopt the latest edition of all nationally recognized codes which the agency is charged by statute with enforcing and allows the agency to propose such adoption by publishing a notice in the State Register.

The State Engineer proposes to adopt the below listed codes, edition noted, effective July 1, 2013. Consistent with Section 10-1-180, information regarding the adoption of these codes, including the code editions, revision years, and any deletions, will be published in the Manual For Planning and Execution of State Permanent Improvements.

The predecessors of these codes were originally adopted pursuant to enactments of the General Assembly now codified as Section 10-1-180, with information regarding the code editions, revision years, and any deletions appearing in the Manual For Planning and Execution of State Permanent Improvements.

Interested persons are invited to submit comments concerning particular sections of the proposed edition. Comments should be sent to John White, State Engineer, Office of the State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201.

International Building Code (IBC), 2012 Edition
International Existing Building Code (IEBC), 2012 Edition
International Fire Code (IFC), 2012 Edition
International Fuel Gas Code (IFGC), 2012 Edition
International Mechanical Code (IMC), 2012 Edition
International Plumbing Code (IPC), 2012 Edition
International Private Sewage Disposal Code (IPSDC), 2012 Edition
International Property Maintenance Code (IPMC), 2012 Edition,
International Residential Code for One and Two Family Dwellings (IRC), 2012 Edition
International Wildland – Urban Interface Code (IUWIC), 2012 Edition
International Code Council Performance Code (ICCPC), 2012 Edition
International Swimming Pool and Spa Code (ISPSC), 2012 Edition
Standard for Bleachers, Folding and Telescopic Seating, and Grandstands, ICC 300-2012 Edition

The following organization issued the above listed nationally recognized codes:

International Code Council Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

National Electrical Code (NEC) [NFPA-70], 2011 Edition

The following organization issued the above listed nationally recognized code:

National Fire Protection Association
1 Battery March Park
Quincy, MA 02169-7471

National Electrical Safety Code, IEEE-C2-2012 Edition

The following organization issued the above listed nationally recognized code:

IEEE Standards Association
501 Hoes Lane, 3rd Floor
Piscataway, NJ 08855

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication March 22, 2013, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Anderson County

Addition of five (5) rehabilitation beds for a total of sixty (60) rehabilitation beds
AnMed Health Rehabilitation Hospital
Anderson, South Carolina
Project Cost: \$67,500

Affecting Charleston County

Construction for the addition of fourteen (14) rehabilitation beds for a total of sixty-three (63) rehabilitation beds
HealthSouth Rehabilitation Hospital of Charleston
Charleston, South Carolina
Project Cost: \$4,632,128

Addition of forty-four (44) nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total bed capacity of one hundred thirty-two (132) nursing home beds
NHC HealthCare, Charleston
Charleston, South Carolina
Project Cost: \$666,100

Affecting Greenville County

Construction for the establishment of an outpatient oncology center, which will be located within the St. Francis Millennium Cancer Center
St. Francis Millennium Cancer Center
Greenville, South Carolina
Project Cost: \$9,037,400

Affecting Horry County

Addition of seventeen (17) rehabilitation beds and the construction of a fourth floor to be added to the South Patient Tower
Grand Strand Regional Medical Center
Myrtle Beach, South Carolina
Project Cost: \$12,340,000

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Affecting Lexington County

Purchase and Installation of a da Vinci Si Surgical system to be located in the perioperative department
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$2,484,881

Affecting Lancaster County

Renovation for the addition of six (6) psychiatric beds for a total of twenty-four (24) psychiatric beds
Rebound Behavioral Health, LLC
Lancaster, South Carolina
Total Project Cost: \$249,620

Affecting Richland County

Renovation for the addition of a 1.5T Magnetic Resonance Imaging (MRI) unit to be located in the MRI Suite
at the new Palmetto Health Parkridge Hospital
Palmetto Health Parkridge Hospital
Columbia, South Carolina
Project Cost: \$2,609,136

Affecting York County

Construction for the addition of seven (7) comprehensive rehabilitation beds for a total of fifty-seven (57)
rehabilitation beds
HealthSouth Rehabilitation Hospital of Rock Hill
Rock Hill, South Carolina
Project Cost: \$2,421,935

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from March 22, 2013. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Florence County

Conversion of twenty-six (26) institutional nursing home beds to community nursing home beds and construction for the addition of eighteen (18) nursing home beds for a total of forty-four (44) community nursing home beds that do not participate in the Medicaid (Title XIX) Program
Presbyterian Communities of South Carolina- The Florence Community
Florence, South Carolina
Project Cost: \$3,839,802

Affecting Georgetown County

Provision of Elective Percutaneous Coronary Intervention (PCI) services without onsite cardiac backup
Georgetown Memorial Hospital
Georgetown, South Carolina
Project Cost: \$70,000

Affecting Laurens County

Construction and renovation at Agape' Assisted Living of Laurens for the establishment of a sixteen (16) bed inpatient hospice facility by the conversion of sixteen (16) existing assisted living beds
Agape' Hospice House of Laurens, Inc
Laurens, South Carolina
Project Cost: \$2,064,183

Affecting Lexington County

Construction of a third (3rd) vault to add a third (3rd) linear accelerator to the existing Radiation Medicine Department. The linear accelerator will provide conventional radiation therapy in addition to stereotactic body radiotherapy and radiosurgery
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$7,947,858

Affecting Sumter County

Construction and renovation of a freestanding fourteen (14) bed inpatient psychiatric hospital to be located at 140 South Main Street in Sumter, SC
GenPsych of South Carolina
Sumter, South Carolina
Project Cost: \$1,356,335

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

(Bureau of Air Quality Notice #13-008-GCM-RE-H)

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

The South Carolina Department of Health and Environmental Control (DHEC) is proposing to renew the general air pollution operating permits for Hot Mix Asphalt Plants. Interested persons may review the materials drafted and maintained by DHEC for these permits and submit written comments by 5:00 p.m. on May 09, 2013, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at leeka@dhec.sc.gov. This public notice is being published in the *State Register* on March 22, 2013, and may also be viewed, along with the draft permit and Statement of Basis, through May 09, 2013, on DHEC's website: <http://www.scdhec.gov/BAQpublicnotices>.

DHEC will hold a Question and Answer session, which will include a presentation given by DHEC from 6:30 p.m. to 7:30 p.m. on Thursday, May 02, 2013, at the Peoples Auditorium at the Department of Health and Environmental Control located at 2600 Bull Street, Columbia, SC 29201. DHEC will also hold a public hearing, to receive comments on the record, which will start at 7:30 p.m. in the same location. Please bring a

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picture ID to get into the building and enter through the visitor entrance on Bull Street. Representatives of DHEC will explain the draft permit and answer questions at the Question and Answer session. The public hearing will be conducted by a hearing officer designated by DHEC. DHEC staff will be unable to answer questions during the public hearing. Interested persons will be given the opportunity to offer oral and written comments for the record regarding the draft permit during the public hearing. Those who wish to comment will be called upon in random order. Information relative to the draft permit will be made available for review through May 09, 2013, at DHEC's Columbia Office listed above.

Individuals with disabilities who wish to participate in the public hearing or review the proceedings should contact Karen Lee at (803) 898-4055 as soon as possible prior to the hearing to discuss any auxiliary aids or services needed.

Written comments will be accepted through close of business (5:00 p.m.) on May 09, 2013, so that comments made during and after the public hearing may be considered when making a decision regarding the draft permit. All comments should be addressed to Karen Lee at the above DHEC address or by e-mail at leeka@dhec.sc.gov. Following the close of the public comment period, DHEC will make a decision as to whether the draft permit should be approved, approved with conditions, disapproved, or modified. This decision will be based upon consideration of applicable regulations, the permit application, comments made at the public hearing and all other written comments received within the required time frame, and any other pertinent information. A transcript of the formal hearing will also be reviewed before a permit decision is made. Requests to be notified of DHEC's permit decision should be made in writing to Karen Lee at the DHEC Columbia Office or at the e-mail address above.

If you have questions concerning the draft permit, please contact Kirk Schneider at (803) 898-4123. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

Synopsis:

The purpose of a general permit is to cover a large number of facilities that have similar operations. Such permits limit a facility's potential to emit below major source thresholds for the Title V permit program and contain conditions to assure that these facilities are operated as non-major sources.

Once a general permit is issued, any eligible facility may request coverage under that permit. DHEC will maintain a list of those facilities that receive authorization to operate under a general permit.

Hot Mix Asphalt Plants, for purposes of this permit, are comprised of one or any combination of the following: Systems for drying aggregate; systems for screening, handling, storing, and weighing hot aggregate; systems for receiving, storing, and transferring virgin aggregate; systems for receiving, crushing, screening, storing and transferring non-virgin aggregate; systems for receiving, storing, and transferring asphalt cement; systems for mixing aggregate with asphalt cement; systems for the storing and dispensing of hot mix asphalt; asphalt cement and fuel storage tanks, auxiliary heaters (including hot oil heaters) with a heat input rate less than 10 million BTU/hr each; and associated emission control system or other sources as approved by DHEC. The facility is limited to hot mix asphaltic concrete production or other Department of Transportation approved methods as allowed in the permit. Use of other materials will require Department approval. Soil remediation activities are not covered under this general permit.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

(Bureau of Air Quality Notice #13-009-Registration Permit)

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

The South Carolina Department of Health and Environmental Control (DHEC or Department) proposes the implementation of registration permits for Concrete Plants. Interested persons may review the materials drafted and maintained by DHEC for these permits and submit written comments by 5:00 p.m. on April 22, 2013, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at leeka@dhec.sc.gov. This public notice is being published in the State Register on March 22, 2013, and may also be viewed, along with the draft permit and Statement of Basis, through April 22, 2013, on DHEC's website: <http://www.scdhec.gov/BAQpublicnotices>.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the State Register and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by April 22, 2013, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning these permits, please contact Jerisha Dukes at (803) 898-4123. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

If these registration permits involve land disturbing activities in one of the eight coastal counties of the Coastal Zone under DHEC-OCRM's jurisdiction, then a coastal zone consistency certification may be required prior to land disturbing activities.

Synopsis:

The Department is proposing implementation of a registration permit for Concrete Plants 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.

Concrete Plants, for purposes of this permit, will cover concrete batch plants, concrete block production facilities, and pug mills that operate concrete batching/mixing equipment and the only sources of air emissions, besides exempt equipment, including: sand and aggregate storage; sand and aggregate transfer to elevated bin; cement and/or cement supplement unloading to elevated storage silo; weigh hopper loading, truck loading, central mixer loading, and/or pug mixer loading; and loading, transfer or storage associated with emission control systems.

Covered facilities may have other permitted equipment as long as the equipment supports the main operation of concrete production (crushers, screens, conveyors, generators, etc.) and meets all of the following applicable criteria:

1. Each fuel combustion source shall have a maximum rated input capacity of less than 10×10^6 BTU/hr.
2. Each fuel combustion source must be fired on natural gas, propane, virgin fuel oil (sulfur content equal to or less than 2.1% by weight) or used specification oil as defined in S.C. Regulation 61-62.1, Section I.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than April 22, 2013 to:

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

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

Class II

ExoTech, Inc.
Attn: Barry Rudd
795 Adamson Dr.
Monroe, GA 30655

T K Tank Services, Inc.
Attn: Thomas D. Keels, Jr.
PO Box 1384
Sumter, SC 29151

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

March 22, 2013

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing these errata to correct errors in the regulations pertaining to 61-62.5, Standard 7. These corrections do not create new regulatory requirements; the corrections are nonsubstantive, do not change the legal meaning, and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

Regulation 61-62.5, Standard 7, Prevention of Significant Deterioration

At R.61-62.5, Standard 7(a)(2)(i), add the phrases "Code of Federal Regulations" after the numeral "40" and add parentheses around the abbreviation "CFR" and use this abbreviation hereafter for clarity and consistency to read:

(i) The requirements of this regulation apply to the construction of any new major stationary source (as defined in paragraph (b)(32)) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under 40 Code of Federal Regulations (CFR) 81.341.

At R.61-62.5, Standard 7(a)(2)(iv)(b), strike the abbreviation "i.e." which means "that is" and replace with the phrase "that is" in two instances for consistency and clarity to read:

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (that is, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(2)(iv)(c) through (f). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (that is, the second step of the process) is contained in the definition in paragraph (b)(34). Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

At R.61-62.5, Standard 7(b)(1)(i), strike the citation "(iv)" and replace it with the citation "(b)(1)(iv)" for citation consistency throughout the text of the regulation. Strike the "s" in "definitions" to correct a typographical error to read:

(1)(i) "**Actual emissions**" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (b)(1)(ii) through (b)(1)(iv), except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (aa). Instead, paragraphs (b)(41) and (b)(4) shall apply for those purposes.

At R.61-62.5, Standard 7(b)(1)(ii), after the phrase "tons per year," add the abbreviation "tpy" with parentheses "(tpy)" for term fluidity. Use this abbreviation hereafter for clarity and consistency to read:

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year (tpy), at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

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At **R.61-62.5, Standard 7(b)(2)**, strike the word “Federal” before “Class I” in two instances for consistency to read:

(2) “**Adverse impact on visibility**” means visibility impairment which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and how these factors correlate with (1) times of visitor use of the Class I area, and (2) the frequency and timing of natural conditions that reduce visibility.

At **R.61-62.5, Standard 7(b)(3)**, reformat the opening quotation mark in “**Allowable emissions**” to bold to read:

(3) “**Allowable emissions**” means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following

At **R.61-62.5, Standard 7(b)(4)**, strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(4) “**Baseline actual emissions**” means the rate of emissions, in tpy, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(4)(i) through (iv).

At **R.61-62.5, Standard 7(b)(4)(i)**, strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tpy, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

At **R.61-62.5, Standard 7(b)(4)(i)(d)**, strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraph (b)(4)(i)(b).

At **R.61-62.5, Standard 7(b)(4)(ii)**, strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tpy, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Department for a permit required under this section or under a plan approved by the Administrator, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990. The Department reserves the right to determine if the 24-month period selected is appropriate.

At R.61-62.5, Standard 7(b)(4)(ii)(e), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tpy, and for adjusting this amount if required by paragraphs (b)(4)(ii)(b) and (c).

At R.61-62.5, Standard 7(b)(5)(i), capitalize the word “section” in the citation “section 107 (d)(1)(A)(ii)” for consistency and clarity throughout the text of the regulation. Add the phrase “microgram(s) per cubic meter” after the numeral “1.” Add parentheses around the abbreviation “ $\mu\text{g}/\text{m}^3$.” Use this abbreviation hereafter for consistency and clarity to read:

(5)(i) “**Baseline area**” means any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than one (1) microgram(s) per cubic meter ($\mu\text{g}/\text{m}^3$) (annual average) for SO_2 , NO_2 , or PM_{10} ; or equal or greater than 0.3 $\mu\text{g}/\text{m}^3$ (annual average) for $\text{PM}_{2.5}$.

At R.61-62.5, Standard 7(b)(5)(ii), capitalize “section” for consistency. Strike the citation “(iii)” and replace it with the citation “107(d)(1)(A)(iii)” for citation consistency throughout the text of the regulation to read:

(ii) Area redesignations under Section 107(d)(1)(A)(ii) or 107(d)(1)(A)(iii) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

At R.61-62.5, Standard 7(b)(6)(i)(a), strike the space between “(b)” and “(6)” for citation consistency throughout the regulation to read:

(a) The actual emissions, as defined in paragraph (b)(1), representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b)(6)(ii); and

At R.61-62.5, Standard 7(b)(8), after the phrase “**Best available control technology**,” add the abbreviation “**BACT**” with parentheses “**(BACT)**” for term fluidity. Use this abbreviation hereafter for clarity and consistency. Strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” in two instances for term fluidity to read:

(8) “**Best available control technology (BACT)**” means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

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At R.61-62.5, Standard 7(b)(9), strike the abbreviation “i.e.” which means “that is” and replace with the phrase “that is” for consistency and clarity to read:

(9) **“Building, structure, facility, or installation”** means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group” (that is, which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

At R.61-62.5, Standard 7(b)(11), strike upper-case “F” in “Federal” and add a lower-case “f” for consistency. Add the word “twenty” before the numeral “20” and add parentheses around the numeral “20” for consistency and clarity to read:

(11) **“Clean coal technology demonstration project”** means a project using funds appropriated under the heading “Department of Energy-Clean Coal Technology,” up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least twenty (20) percent of the total cost of the demonstration project.

At R.61-62.5, Standard 7(b)(13), after the word “Commence” add the word “means” and a comma after “means” for clarity and consistency. Strike the word “means” after “modification” for consistency to read:

(13) **“Commence”** means, as applied to construction of a major stationary source or major modification that the owner or operator has all necessary preconstruction approvals or permits and either has:

At R.61-62.5, Standard 7(b)(14), add a comma after the word “means” for punctuational correctness to read:

(14) **“Complete”** means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

At R.61-62.5, Standard 7(b)(19), before the numeral “25” add the word “twenty-five,” and parentheses around the numeral “25” for clarity and consistency. Add the word “megawatt” before the abbreviation “MW,” which stands for “megawatt,” and add parentheses around the abbreviation “MW.” Use this abbreviation hereafter for consistency and clarity to read:

(19) **“Electric utility steam generating unit”** means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five (25) megawatt (MW) electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

At R.61-62.5, Standard 7(b)(22), capitalize the “i” and “p” in “Implementation Plan” for consistency. Capitalize the “s” in “subpart” for consistency to read:

(22) **“Federally enforceable”** means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

At R.61-62.5, Standard 7(b)(27), strike the word “nonair” and replace it with the word “non-air” to correct a punctuational error to read:

(27) **“Innovative control technology”** means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

At R.61-62.5, Standard 7(b)(29), reformat the phrase “*Nonattainment New Source Review*” to remove the italics per regulation drafting guidelines. Strike the quotation marks around “Nonattainment New Source Review” for consistency to read:

(29) **“Lowest achievable emission rate (LAER)”** is as defined in paragraph (c)(5) of Regulation 61-62.5 Standard 7.1, Nonattainment New Source Review.

At R.61-62.5, Standard 7(b)(30)(ii), after the phrase “volatile organic compounds,” add the abbreviation “VOCs” in parentheses which stands for the phrase “volatile organic compounds” and use this abbreviation or the singular “VOC” hereafter for consistency and clarity to read:

(ii) Any significant emissions increase (as defined in paragraph (b)(50)) from any emissions units or net emissions increase (as defined in paragraph (b)(34)) at a major stationary source that is significant for volatile organic compounds (VOCs) or oxides of nitrogen shall be considered significant for ozone.

At R.61-62.5, Standard 7(b)(30)(iii)(b), strike lower-case “s” in “sections” and add an upper-case “S” for consistency and clarity. Strike the citation “(b)” and replace it with the citation “2(b)” for citation consistency throughout the text of the regulation. to read:

(b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and 2(b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

At R.61-62.5, Standard 7(b)(30)(iii)(c), capitalize the word “section” for consistency and clarity to read:

(c) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act;

At R.61-62.5, Standard 7(b)(30)(iii)(e)(1), add a comma following “1975” for punctuational clarity and consistency to read:

(1) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or 40 CFR 51.166; or

At R.61-62.5, Standard 7(b)(30)(iii)(g), strike the period at the end of the paragraph for consistency to read:

(g) Any change in ownership at a stationary source

At R.61-62.5, Standard 7(b)(30)(iii)(i)(1), capitalize “implementation” and “plan” for consistency and clarity. Make the word “State” lowercase for consistency to read:

(1) The State Implementation Plan for the state in which the project is located, and

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At R.61-62.5, Standard 7(b)(30)(iii)(i)(2), strike the phrase “national ambient air quality standards” and replace with the phrase “National Ambient Air Quality Standards” for consistency and clarity to read:

(2) Other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

At R.61-62.5, Standard 7(b)(31)(iii)(a), capitalize the word “section” for consistency and clarity. Strike the word “Federal” before “Clean Air Act” for consistency and clarity to read:

(a) The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(1)(A)(ii) or (iii) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166; and

At R.61-62.5, Standard 7(b)(32)(i)(a), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Add the phrase “North American Industrial Classification System” before the abbreviation “NAICS” which stands for “North American Industrial Classification System.” Add parentheses around “NAICS” and use this abbreviation hereafter for clarity and consistency to read:

(a) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tpy or more of any regulated NSR pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (which does not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industrial Classification System (NAICS) codes 325193 or 312140), fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

At R.61-62.5, Standard 7(b)(32)(i)(b), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(b) Notwithstanding the stationary source size specified in paragraph (b)(32)(i), any stationary source which emits, or has the potential to emit, 250 tpy or more of a regulated NSR pollutant; or

At R.61-62.5, Standard 7(b)(32)(i)(c), strike the comma following (b)(32) to correct a punctuational typographical error to read:

(c) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (b)(32) as a major stationary source, if the changes would constitute a major stationary source by itself.

At R.61-62.5, Standard 7(b)(32)(ii), strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” for term fluidity to read:

(ii) A major stationary source that is major for VOCs or oxides of nitrogen shall be considered major for ozone.

At R.61-62.5, Standard 7(b)(32)(iii)(z), strike the comma following “input” and replace it with a semicolon to correct a punctuational typographical error to read:

(z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and

At R.61-62.5, Standard 7(b)(32)(iii)(aa), capitalize the word “section” for consistency and clarity. Strike the word “Federal” before “Clean Air Act” for consistency to read:

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

At R.61-62.5, Standard 7(b)(34)(ii)(a), add the numeral “5” in parentheses after the word “five” for numerical consistency throughout the regulation to read:

(a) The date five (5) years before construction on the particular change commences; and

At R.61-62.5, Standard 7(b)(34)(iv), strike the comma after “nitrogen oxide” and add a period after “available” for punctuational consistency to read:

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxide that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

At R.61-62.5, Standard 7(b)(38), strike the abbreviation “lb/hr,” which means “pounds per hour,” and replace with the phrase “pounds per hour” for clarity to read:

(38) **“Predictive emissions monitoring system (PEMS)”** means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis.

At R.61-62.5, Standard 7(b)(41)(i), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Before the numeral “5” add the word “five” and add parentheses around the numeral “5,” and before the numeral “10” add the word “ten” and add parentheses around the numeral “10” for number denotation consistency throughout the regulation to read:

(41)(i) **“Projected actual emissions”** means the maximum annual rate, in tpy, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five (5) years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the ten (10) years following that date, if the project involves increasing the emissions unit’s design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

At R.61-62.5, Standard 7(b)(41)(ii)(a), strike the upper-case “S” in “State” and the uppercase “F” in “Federal” and replace with a lower-case “s” in “state” and “f” in “federal” for consistency to read:

(a) Shall consider all relevant information, including but not limited to, historical operational data, the company’s own representations, the company’s expected business activity and the company’s highest projections of business activity, the company’s filings with the state or federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

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At R.61-62.5, Standard 7(b)(41)(ii)(d), strike the citation “(c)” and replace it with the citation “(b)(41)(ii)(c)” for citation consistency throughout the text of the regulation. Strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(d) In lieu of using the method set out in paragraph (b)(41)(ii)(a) through (b)(41)(ii)(c), may elect to use the emissions unit’s potential to emit, in tpy, as defined under paragraph (b)(37).

At R.61-62.5, Standard 7(b)(42)(ii), before the numeral “85” add the word “eighty-five” and add parentheses around the numeral “85,” for number denotation consistency throughout the regulation. Before the numeral “98” add the word “ninety-eight” and add parentheses around the numeral “98,” for number denotation consistency throughout the regulation to read:

(ii) Was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than eighty-five (85) percent and a removal efficiency for particulates of no less than ninety-eight (98) percent;

At R.61-62.5, Standard 7(b)(44)(i), capitalize the phrase “national ambient air quality standard” for consistency and clarity to read:

(i) Any pollutant for which a National Ambient Air Quality Standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator. Precursors identified by the Administrator for purposes of NSR are the following:

At R.61-62.5, Standard 7(b)(44)(i)(a), strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” for term fluidity. Strike the period following “areas” and replace it with a semicolon for punctuational consistency to read:

(a) VOCs and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas;

At R.61-62.5, Standard 7(b)(44)(i)(c), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Strike the period following “concentrations” and replace it with a semicolon and the word “and” for punctuational consistency to read:

(c) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the state demonstrates to the Administrator’s satisfaction or the EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area’s ambient PM_{2.5} concentrations; and

At R.61-62.5, Standard 7(b)(44)(i)(d), strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” in two instances for term fluidity. Strike the space in the abbreviation “PM_{2.5},” strike the upper-case “S” in “State,” and replace with a lower-case “s” for consistency and clarity to read:

(d) VOCs are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the state demonstrates to the Administrator’s satisfaction or the EPA demonstrates that emissions of VOCs from sources in a specific area are a significant contributor to that area’s ambient PM_{2.5} concentrations.

At R.61-62.5, Standard 7(b)(44)(ii), capitalize the word “section” for consistency and clarity to read:

(ii) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

At R.61-62.5, Standard 7(b)(44)(iii), capitalize the word “t” in “title” for consistency and clarity to read:

(iii) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act; or

At R.61-62.5, Standard 7(b)(44)(iv), capitalize “section” in four instances for consistency and clarity to read:

(iv) Any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in Section 112 of the Clean Air Act or added to the list pursuant to Section 112(b)(2) of the Clean Air Act, which have not been delisted pursuant to Section 112(b)(3) of the Clean Air Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act.

At R.61-62.5, Standard 7(b)(44)(v), strike the semicolon following the word “Reserved,” add brackets around the word “Reserved,” and reformat the word “Reserved” to be in bold for consistency to read:

(v) [**Reserved**]

At R.61-62.5, Standard 7(b)(44)(vi), add a comma after “emissions” and two instances of “PM_{2.5}” for consistency to read:

(vi) Particulate matter (PM) emissions, PM_{2.5} emissions, and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011 (or any earlier date established in the upcoming rulemaking codifying test methods), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, PM_{2.5}, and PM₁₀ in PSD permits. Compliance with emissions limitations for PM, PM_{2.5}, and PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.

At R.61-62.5, Standard 7(b)(46)(iii), capitalize the word “section” for consistency and clarity to read:

(iii) The Department shall give expedited consideration to permit applications for any source that satisfies the requirements of this subsection and is granted an extension under Section 409 of the Clean Air Act.

At R.61-62.5, Standard 7(b)(49)(i), in the list item “Carbon monoxide: 100 tons per year (tpy),” strike the phrase “tons per year” and remove the parentheses around “tpy” for consistency. Strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” in two instances for term fluidity. Add a semicolon following “15 tpy of PM₁₀ emissions.” Add the word “paragraph” and parenthesis around the citation “44” in the reference “(b)44 of this section” for citation consistency. Delete the period following “(3.5 x 10⁻⁶ tpy)” for consistency. Strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity in three instances for consistency to read:

(49)(i) “**Significant**” means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tpy

Nitrogen oxides: 40 tpy

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Sulfur dioxide: 40 tpy

Particulate matter:

25 tpy of particulate matter emissions;

15 tpy of PM₁₀ emissions;

10 tpy of direct PM_{2.5};

40 tpy of sulfur dioxide emissions;

40 tpy of nitrogen oxide emissions unless demonstrated not to be a PM_{2.5} precursor under paragraph (b)(44) of this section

Ozone: 40 tpy of VOCs or oxides of nitrogen

Lead: 0.6 tpy

Fluorides: 3 tpy

Sulfuric acid mist: 7 tpy

Hydrogen sulfide (H₂S): 10 tpy

Total reduced sulfur (including H₂S): 10 tpy

Reduced sulfur compounds (including H₂S): 10 tpy

Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5×10^{-6} tpy)

Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tpy)

Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tpy)

Municipal solid waste landfills emissions (measured as nonmethane organic compounds): 45 megagrams per year (50 tpy)

At R.61-62.5, Standard 7(b)(49)(iii), before the numeral “10” add the word “ten” and add parentheses around the numeral “10,” for number denotation consistency throughout the regulation and strike the comma following “1 µg/m³” for clarity to read:

(iii) Notwithstanding paragraph (b)(49)(i), significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification, which would construct within ten (10) kilometers of a Class I area, and have an impact on such area equal to or greater than 1 µg/m³ (24-hour average).

At R.61-62.5, Standard 7(b)(52), before the numeral “5” add the word “five” and add parentheses around the numeral “5” for number denotation consistency throughout the regulation. Capitalize the words “implementation” and “plan” consistency and clarity. Strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Capitalize the phrase “national ambient air quality standards” for consistency and clarity to read:

(52) **“Temporary clean coal technology demonstration project”** means a clean coal technology demonstration project that is operated for a period of five (5) years or less, and which complies with the State Implementation Plans for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

At R.61-62.5, Standard 7(b)(53), reformat the word *“Definitions”* to remove the italics per regulation drafting guidelines to read:

(53) **“Volatile organic compounds (VOC)”** is as defined in Regulation 61-62.1, Section I, Definitions.

At R.61-62.5, Standard 7(c), Introductory Text, add a comma following “II” for punctuational consistency to read:

In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following:

At R.61-62.5, Standard 7(d)(1), strike the comma following “standard” and replace it with a semicolon for punctuational consistency to read:

(1) The concentration permitted under the national secondary ambient air quality standard; or

At R.61-62.5, Standard 7(e)(1), strike three commas and replace them with a semicolons for punctuational consistency to read:

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

- (i) International parks;
- (ii) National wilderness areas which exceed 5,000 acres in size;
- (iii) National memorial parks which exceed 5,000 acres in size; and
- (iv) National parks which exceed 6,000 acres in size.

At R.61-62.5, Standard 7(g)(1), strike the upper-case “S” in “States” and replace with a lower-case “s” for consistency and clarity. Capitalize the words “implementation” and “plan” for consistency and clarity to read:

(1) All areas (except as otherwise provided under paragraph (e)) are designated Class II as of December 5, 1974. Redesignation (except as otherwise precluded by paragraph (e)) may be proposed by the respective states or Indian Governing Bodies, as provided below, subject to approval by the Administrator as a revision to the applicable State Implementation Plan.

At R.61-62.5, Standard 7(g)(2), strike the upper-case “S” in “State” and replace with a lower-case “s” in two instances for consistency and clarity to read:

(2) The state may submit to the Administrator a proposal to redesignate areas of the state Class I or Class II provided that:

At R.61-62.5, Standard 7(g)(2)(ii), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Before the numeral “30” add the word “thirty” and add parentheses around the numeral “30,” for number denotation consistency throughout the regulation to read:

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(ii) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least thirty (30) days prior to the public hearing;

At R.61-62.5, Standard 7(g)(2)(iv), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Strike the upper-case “S” in “State” and replace with a lower-case “s” in three instances for consistency and clarity. Before the numeral “60” add the word “sixty” and add parentheses around the numeral “60,” for number denotation consistency throughout the regulation to read:

(iv) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the state has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity (not in excess of sixty (60) days) to confer with the State respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations (together with the reasons for making such redesignation against the recommendation of the Federal Land Manager); and

At R.61-62.5, Standard 7(g)(2)(v), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(v) The state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

At R.61-62.5, Standard 7(g)(3)(ii), strike the upper-case “S” in “State” and replace with a lower-case “s” in three instances for consistency and clarity to read:

(ii) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor of the state, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session (unless state law provides that the redesignation must be specifically approved by state legislation) and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation:

At R.61-62.5, Standard 7(g)(3)(iii), capitalize the phrase “national ambient air quality standard” for consistency and clarity to read:

(iii) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any National Ambient Air Quality Standard; and

At R.61-62.5, Standard 7(g)(4)(i), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(i) The Indian Governing Body has followed procedures equivalent to those required of a state under paragraphs (g)(2), (g)(3)(iii), and (g)(3)(iv); and

At R.61-62.5, Standard 7(g)(4)(ii), strike the upper-case “S” in “State(s)” and replace with a lower-case “s” for consistency and clarity to read:

(ii) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.

At R.61-62.5, Standard 7(g)(5), before the numeral “90” add the word “ninety” and add parentheses around the numeral “90,” for number denotation consistency throughout the regulation to read:

(5) The Administrator shall disapprove, within ninety (90) days of submission, a proposed redesignation of any area only if it is found, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with paragraph (e). If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

At R.61-62.5, Standard 7(g)(6), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(6) If the Administrator disapproves any proposed redesignation, the state or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator.

At R.61-62.5, Standard 7(h)(1), strike the two hyphens following “by” and replace with a colon for punctuational consistency and clarity to read:

(1) The degree of emission limitation required for control of any air pollutant under this section shall not be affected in any manner by;

At R.61-62.5, Standard 7(h)(1)(i), strike the comma following “practice” and replace with a semicolon for punctuational consistency and clarity to read:

(i) So much of the stack height of any source as exceeds good engineering practice; or

At R.61-62.5, Standard 7(i), Title, add a period following “Exemptions” for consistency to read:

(i) Exemptions.

At R.61-62.5, Standard 7(i)(1)(iv)(a), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Add a comma following “state” for punctuational consistency to read:

(a) Obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before March 1, 1978;

At R.61-62.5, Standard 7(i)(1)(v)(a), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity to read:

(a) Obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before August 7, 1980;

At R.61-62.5, Standard 7(i)(1)(v)(b), before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18,” for number denotation consistency throughout the regulation to read:

(b) Commenced construction within eighteen (18) months from August 7, 1980, or any earlier time required under the applicable State Implementation Plan; and

At R.61-62.5, Standard 7(i)(1)(v)(c), before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18,” for number denotation consistency throughout the regulation to read:

(c) Did not discontinue construction for a period of eighteen (18) months or more and completed construction within a reasonable time; or

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At R.61-62.5, Standard 7(i)(1)(vi), capitalize the word “Governor” for consistency and clarity to read:

(vi) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution, and the Governor of the state in which the source or modification would be located requests that it be exempt from those requirements; or

At R.61-62.5, Standard 7(i)(1)(vii)(aa), capitalize the word “Section” for consistency and clarity to read:

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act; or

At R.61-62.5, Standard 7(i)(1)(viii), add a colon following “and” for punctuational consistency to read:

(viii) The source is a portable stationary source which has previously received a permit under this section, and:

At R.61-62.5, Standard 7(i)(1)(viii)(d), before the numeral “10” add the word “ten” and add parentheses around the numeral “10,” for number denotation consistency throughout the regulation to read:

(d) Reasonable notice is given to the Department prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Department not less than ten (10) days in advance of the proposed relocation unless a different time duration is previously approved by the Department.

At R.61-62.5, Standard 7(i)(1)(ix), strike the word “section” before “52.21” and add the numeral and abbreviation “40 CFR” to ensure citation consistency throughout the regulation to read:

(ix) The source or modification was not subject to 40 CFR 52.21 with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator:

At R.61-62.5, Standard 7(i)(1)(ix)(a), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Strike the capital “S” in “State” and replace with a lower-case “s” for consistency and clarity. Capitalize the words “implementation” and “plan” for consistency and clarity to read:

(a) Obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable State Implementation Plan before July 31, 1987;

At R.61-62.5, Standard 7(i)(1)(ix)(b), before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18,” for number denotation consistency throughout the regulation. Strike the lower-case “i” in “implementation” and the lower-case “p” in “plan” and replace with an upper-case “I” and “P” for consistency and clarity to read:

(b) Commenced construction within eighteen (18) months after July 31, 1987, or any earlier time required under the State Implementation Plan; and

At R.61-62.5, Standard 7(i)(1)(x), add a comma after “1987” in two instances for punctuational consistency to read:

(x) The source or modification was subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator submitted an application for a permit under this section before that date, and the Department subsequently determines that the application as submitted was complete with respect to the particulate matter requirements then in effect in this section. Instead, the requirements of paragraphs (j) through (r) that were in effect before July 31, 1987, shall apply to such source or modification.

At R.61-62.5, Standard 7(i)(2), capitalize the word “section” for consistency and clarity to read:

(2) The requirements of paragraphs (j) through (r) shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under Section 107 of the Clean Air Act.

At R.61-62.5, Standard 7(i)(3)(i), strike the comma following “violated” and replace it with a semicolon for punctuational consistency to read:

(i) Would impact no Class I area and no area where an applicable increment is known to be violated;-and

At R.61-62.5, Standard 7(i)(4), before the numeral “50” add the word “fifty” and add parentheses around the numeral “50,” for number denotation consistency throughout the regulation. Strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity. Strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(4) The requirements of paragraphs (k), (m) and (o) as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than fifty (50) tpy.

At R.61-62.5, Standard 7(i)(5)(i) (Footnote 1), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” for term fluidity to read:

¹ No de minimis air quality level is provided for ozone. However, any net increase of 100 tpy or more of VOCs or nitrogen oxides subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data.

At R.61-62.5, Standard 7(i)(6), strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity. Add a comma after the final instance of the date “June 19, 1978” for punctuational consistency to read:

(6) The requirements for BACT in paragraph (j) and the requirements for air quality analyses in paragraph (m)(1), shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under those regulations before August 7, 1980, and the Department subsequently determines that the application as submitted before that date was complete. Instead, the requirements at 40 CFR 52.21(j) and (n) as in effect on June 19, 1978, apply to any such source or modification.

At R.61-62.5, Standard 7(i)(8)(i), strike hyphens between “(i)” and “(iv)” and replace them with the word “through” for consistency. Strike the citation “(iv)” and replace it with the citation “(m)(1)(iv)” in two instances for citation consistency throughout the text of the regulation to read:

(8)(i) At the discretion of the Department, the requirements for air quality monitoring of PM₁₀ in paragraphs (m)(1)(i) through (m)(1)(iv) may not apply to a particular source or modification when the owner or operator

of the source or modification submits an application for a permit under this section on or before June 1, 1988 and the Department subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in paragraphs (m)(1)(i) through (m)(1)(iv).

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At R.61-62.5, Standard 7(i)(8)(ii), strike the citations “(ii)” and “(iii)” and replace them with the citations “(m)(1)(ii)” and “(m)(1)(iii)” respectively for citation consistency throughout the text of the regulation. Add a comma after “1988” in two instances for punctuation consistency. Before the numeral “4” add the word “four” and add parentheses around the numeral “4,” for number denotation consistency throughout the regulation to read:

(ii) The requirements for air quality monitoring of PM₁₀ in paragraphs (m)(1), (m)(1)(ii) and (m)(1)(iv) and (m)(3) shall apply to a particular source or modification if the owner or operator of the source or modification submits an application for a permit under this section after June 1, 1988, and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988, to the date the application becomes otherwise complete in accordance with the provisions set forth under paragraph (m)(1)(viii), except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii) requires shall have been gathered over a shorter period.

At R.61-62.5, Standard 7(i)(10), add a colon following “if” for punctuation consistency. Capitalize the word “the” in two instances for consistency to read:

(10) The requirements in paragraph (k)(2) shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if:

(i) The owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM₁₀ took effect in an implementation plan to which this section applies, and

(ii) The Department subsequently determined that the application as submitted before that date was otherwise complete. Instead, the requirements in paragraph (k)(2) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

At R.61-62.5, Standard 7(j)(2), strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity to read:

(2) A new major stationary source shall apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

At R.61-62.5, Standard 7(j)(3), strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity to read:

(3) A major modification shall apply BACT for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

At R.61-62.5, Standard 7(j)(4), strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” in two instances for term fluidity. Before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18,” for number denotation consistency throughout the regulation to read:

(4) For phased construction projects, the determination of BACT shall be reviewed and modified as appropriate at the latest reasonable time which occurs no later than eighteen (18) months prior to commencement of construction of each independent phase of the project. At such time, the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of BACT for the source.

At R.61-62.5, Standard 7(k)(1), capitalize the phrase “national ambient air quality standards” for consistency and clarity to read:

- (1) Any National Ambient Air Quality Standards in any air quality control region; or

At R.61-62.5, Standard 7(l) strike the phrase “Quality Models” and replace with the phrase “quality models” for consistency to read:

(l) Air quality models.

At R.61-62.5, Standard 7(l)(1), add a period following “Models” for punctuational consistency to read:

(1) All estimates of ambient concentrations required under this paragraph shall be based on applicable air quality models, data bases, and other requirements specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models).

At R.61-62.5, Standard 7(l)(2), capitalize the “a” in “appendix” in two instances for consistency to read:

(2) Where an air quality model specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models) is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific state program. Written approval of the Department must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures developed in accordance with paragraph (q).

At R.61-62.5, Standard 7(m), strike the two hyphens following “analysis” and replace with a period for consistency and clarity to read:

(m) Air quality analysis.

At R.61-62.5, Standard 7(m)(1)(iv), add the numeral “1” in parentheses following the word “one” for number denotation consistency throughout the regulation. Add the numeral “4” in parentheses following the word “four” for number denotation consistency throughout the regulation to read:

(iv) In general, the continuous air quality monitoring data that is required shall have been gathered over a period of at least one (1) year and shall represent at least the year preceding receipt of the application, except that, if the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year (but not to be less than four (4) months), the data that is required shall have been gathered over at least that shorter period.

At R.61-62.5, Standard 7(m)(1)(v)(b), add the numeral “4” in parentheses following the word “four” for number denotation consistency throughout the regulation to read:

(b) If the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii), requires shall have been gathered over at least that shorter period.

At R.61-62.5, Standard 7(m)(1)(vi), strike the phrase “volatile organic compounds,” and add the previously established abbreviation “VOCs” for term fluidity. Capitalize the word “section” for consistency to read:

(vi) The owner or operator of a proposed stationary source or modification of VOCs who satisfies all conditions of 40 CFR 51 Appendix S, Section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under paragraph (m)(1).

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At R.61-62.5, Standard 7(m)(1)(vii), add a comma after “1988” in two instances and after “1989” for punctuational consistency. Before the numeral “4” add the word “four” and add parentheses around the numeral “4,” for number denotation consistency throughout the regulation to read:

(vii) For any application that becomes complete, except as to the requirements of paragraphs (m)(1)(iii) and (iv) pertaining to PM₁₀, after December 1, 1988, and no later than August 1, 1989, the data that paragraph (m)(1)(iii) requires shall have been gathered over at least the period from August 1, 1988, to the date the application becomes otherwise complete, except that if the Department determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four (4) months), the data that paragraph (m)(1)(iii) requires shall have been gathered over that shorter period.

At R.61-62.5, Standard 7(n)(1)(iii), strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity to read:

(iii) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine that BACT would be applied.

At R.61-62.5, Standard 7(o)(3), strike the phrase “Federal class” and replace with the word “Class” for consistency and clarity to read:

(3) Visibility monitoring. The Department may require monitoring of visibility in any Class I area near the proposed new stationary source for major modification for such purposes and by such means as the Administrator deems necessary and appropriate.

At R.61-62.5, Standard 7(p), Title, strike the word “Federal” for consistency and clarity. Strike the hyphens following “requirements” and replace with a period for consistency to read:

(p) Sources impacting ~~Federal~~ Class I areas--additional requirements.

At R.61-62.5, Standard 7(p)(1), strike the phrase “land managers” and replace with the phrase “Land Managers” in two instances for consistency and clarity. Strike the phrase “land manager” and replace with the phrase “Land Manager” in two instances for consistency and clarity. Strike the word “Federal” before the word “Class” for consistency. Strike the upper-case “F” in the instances of “Federal” before “official” and “officials” for consistency and clarity. Before the numeral “30” add the word “thirty” and add parentheses around the numeral “30” in two instances, for number denotation consistency throughout the regulation. Before the numeral “60” add the word “sixty” and add parentheses around the numeral “60” in two instances, for number denotation consistency throughout the regulation to read:

(1) Notice to Federal Land Managers. The Department shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within thirty (30) days of receipt and at least sixty (60) days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Class I area. The Department shall also provide the Federal Land Manager and such federal officials with a copy of the preliminary determination required under paragraph (q), and shall make available to them any materials used in making that determination, promptly after the Department makes such determination. Finally, the Department shall also notify all affected Federal Land Managers within thirty (30) days of receipt of any advance notification of any such permit application.

At R.61-62.5, Standard 7(p)(2), strike the upper-case “F” before “official” for consistency and clarity to read:

(2) Federal Land Manager. The Federal Land Manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Department, whether a proposed source or modification will have an adverse impact on such values.

At R.61-62.5, Standard 7(p)(3), strike the phrase “land manager” and replace with the phrase “Land Manager” for consistency and clarity. Before the numeral “30” add the word “thirty” and add parentheses around the numeral “30,” for number denotation consistency throughout the regulation. Strike the word “Federal” before “Class 1” in two instances for consistency and clarity to read:

(3) Visibility analysis. The Department shall consider any analysis performed by the Federal Land Manager, provided within thirty (30) days of the notification required by paragraph (p)(1), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Class I area. Where the Department finds that such an analysis does not demonstrate to the satisfaction of the Department that an adverse impact on visibility will result in the Class I area, the Department must, in the notice of public hearing on the permit application, either explain its decision or give notice as to where the explanation can be obtained.

At R.61-62.5, Standard 7(p)(5), (second paragraph and (p)(5) table not included) strike the capital “S” in “State” and replace with a lower-case “s” in the last sentence of the first introductory paragraph for consistency and clarity to read:

(5) Class I variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies, the state may authorize the Administrator:

At R.61-62.5, Standard 7(p)(6), add the numeral “24” in parentheses after the word “twenty-four” for number denotation consistency throughout the regulation to read:

(6) Sulfur dioxide variance by Governor with Federal Land Manager’s concurrence. The owner or operator of a proposed source or modification which cannot be approved under paragraph (q)(4) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of twenty-four (24) hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager’s recommendation (if any) and concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Department shall issue a permit to such source or modification pursuant to the requirements of paragraph (q)(7): Provided, that the applicable requirements of this regulation are otherwise met.

At R.61-62.5, Standard 7(p)(8), strike the citation “(6)” and replace it with the citation “(q)(6)” for citation consistency throughout the text of the regulation. Before the numeral “24” add the word “twenty-four” and add parentheses around the numeral “24,” for number denotation consistency throughout the regulation. Before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18,” for number denotation consistency throughout the regulation to read:

(8) Emission limitations for Presidential or gubernatorial variance. In the case of a permit issued pursuant to paragraph (q)(5) or (q)(6) the source or modification shall comply with such emission limitations as may be

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necessary to assure that emissions of sulfur dioxide from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of twenty-four (24) hours or less for more than eighteen (18) days, not necessarily consecutive, during any annual period:

At R.61-62.5, Standard 7(q)(1), before the numeral “30” add the word “thirty” and add parentheses around the numeral “30,” for number denotation consistency throughout the regulation to read:

(1) Within thirty (30) days after receipt of an application to construct, or any addition to such application, the Department shall advise the applicant of any deficiency in the application or in the information submitted and transmit a copy of such application to EPA. In the event of such a deficiency, the date of receipt of the application shall be, for the purpose of this regulation, the date on which the Department received all required information.

At R.61-62.5, Standard 7(q)(2), reformat the phrase “*Environmental Protection Fees*” to remove italics to follow regulation drafting guidelines to read:

(2) In accordance with Regulation 61-30, Environmental Protection Fees, the Department shall make a final determination on the application. This involves performing the following actions in a timely manner:

At R.61-62.5, Standard 7(q)(2)(iv), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(iv) Send a copy of the notice of public comment to the applicant, the Administrator of EPA, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency and any state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the source or modification.

At R.61-62.5, Standard 7(q)(2)(vi), before the numeral “10” add the word “ten” and add parentheses around the numeral “10,” for number denotation consistency throughout the regulation to read:

(vi) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Department shall consider the applicant’s response in making a final decision. The Department shall make all comments available for public inspection in the same locations where the Department made available preconstruction information relating to the proposed source or modification.

At R.61-62.5, Standard 7(r), insert a hard return between “**obligation.**” and “In” for consistency to read:

(r) Source obligation.

In addition to all other applicable requirements specified in this regulation, the owner or operator shall comply with the requirements of paragraphs (r)(1) through (r)(8).

At R.61-62.5, Standard 7(r)(2), before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18” in three instances for number denotation consistency throughout the regulation to read:

(2) Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of the projected and approved commencement date.

At R.61-62.5, Standard 7(r)(3), strike the phrase “implementation plan” and replace with the phrase “Implementation Plan” for consistency and clarity. Strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity to read:

(3) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state, or federal law.

At R.61-62.5, Standard 7(r)(6)(i), add a comma after the first instance of the reference “Section II,” strike the comma following the phrase “Permit Requirements,” and add a comma between the word “Requirements” and the closing quotation marks (”) for punctuational correctness. Set off the second instance of the reference “Permit Requirements” for punctuational consistency to read:

(i) If the project requires construction permitting under Regulation 61-62.1, Section II, “Permit Requirements,” the owner or operator shall provide a copy of the information set out in paragraph (r)(6)(ii) as part of the permit application to the Department. If construction permitting under Regulation 61-62.1, Section II, “Permit Requirements,” is not required, the owner or operator shall maintain the information set out in paragraph (r)(6)(ii).

At R.61-62.5, Standard 7(r)(6)(iii), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Before the numeral “5” add the word “five” and add parentheses around the numeral “5” for number denotation consistency throughout the regulation. Before the numeral “10” add the word “ten” and add parentheses around the numeral “10” for number denotation consistency throughout the regulation to read:

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph (r)(6)(ii)(b); and calculate and maintain a record of the annual emissions, in tpy on a calendar year basis, for a period of five (5) years following resumption of regular operations after the change, or for a period of ten (10) years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

At R.61-62.5, Standard 7(r)(6)(v), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Department if the annual emissions, in tpy, from the project identified in paragraph (r)(6)(ii), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (r)(6)(ii)(c)), by a significant amount (as defined in paragraph (b)(49)) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (r)(6)(ii)(c). Such report shall be submitted to the Department within 60 days after the end of such year. The report shall contain the following:

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At R.61-62.5, Standard 7(r)(6)(v)(c), strike the abbreviation “e.g.,” which stands for the phrase “for example,” and replace with the phrase “for example” for consistency and clarity to read:

(c) Any other information needed to make a compliance determination (for example, an explanation as to why the emissions differ from the preconstruction projection).

At R.61-62.5, Standard 7(u)(4), strike the lower-case “c” in “Class” and replace with an upper-case “C” in two instances for consistency and clarity. Capitalize the word “section” for consistency and clarity. Capitalize the word “act” for consistency and clarity. Strike the phrase “best available control technology,” and add the previously established abbreviation “BACT” for term fluidity to read:

(u)(4) In the case of a source or modification which proposes to construct in a Class III area, emissions from which would cause or contribute to air quality exceeding the maximum allowable increase applicable if the area were designated a Class II area, and where no standard under Section 111 of the Act has been promulgated for such source category, the Administrator must approve the determination of BACT as set forth in the permit.

At R.61-62.5, Standard 7(v)(2), strike the hyphens following “if” for consistency to read:

(2) The Department shall, with the consent of the governor(s) of the affected state(s), determine that the source or modification may employ a system of innovative control technology, if:

At R.61-62.5, Standard 7(v)(2)(ii), before the numeral “4” add the word “four” and add parentheses around the numeral 4 for number denotation consistency throughout the regulation. Before the numeral “7” add the word “seven” and add parentheses around the numeral “7” for number denotation consistency throughout the regulation to read:

(ii) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph (j)(2), by a date specified by the Department. Such date shall not be later than four (4) years from the time of startup or seven (7) years from permit issuance;

At R.61-62.5, Standard 7(v)(2)(iv)(a), strike the phrase “national ambient air quality standard” and replace with the phrase “National Ambient Air Quality Standard” for consistency and clarity to read:

(a) Cause or contribute to a violation of an applicable National Ambient Air Quality Standard; or

At R.61-62.5, Standard 7(v)(4), before the numeral “3” add the word “three” and add parentheses around the numeral “3” for number denotation consistency throughout the regulation to read:

(4) If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with paragraph (v)(3), the Department may allow the source or modification up to an additional three (3) years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

At R.61-62.5, Standard 7(aa)(1)(i), strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation.

(i) The Department may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in paragraphs (aa)(1) through (aa)(15). The term “PAL” shall mean “actuals PAL” throughout paragraph (aa).

At R.61-62.5, Standard 7(aa)(1)(ii), strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation.

(ii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (aa)(1) through (15), and complies with the PAL permit:

At R.61-62.5, Standard 7(aa)(1)(ii)(b), reformat the phrases “Prevention of Significant Deterioration” and “Permit Requirements” to remove italics to follow regulation drafting guidelines. Add a period between “II” and “A” for consistency to read:

(b) Does not have to be approved through Regulation 61-62.5, Standard 7, Prevention of Significant Deterioration. However, will be reviewed through R. 61-62.1, Section II.A. Permit Requirements; and

At R.61-62.5, Standard 7(aa)(1)(iii), strike the upper-case “F” in “Federal” and replace with a lower-case “f” and strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(iii) Except as provided under paragraph (aa)(1)(ii)(c), a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

At R.61-62.5, Standard 7(aa)(2), strike the citation “(xi)” and replace it with the citation “(aa)(2)(xi)” for citation consistency throughout the text of the regulation. Strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation to read:

(2) **Definitions.** The definitions in paragraphs (aa)(2)(i) through (aa)(2)(xi) shall apply to actual PALs consistent with paragraphs (aa)(1) through (aa)(15). When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (b) or in the Clean Air Act.

At R.61-62.5, Standard 7(aa)(2)(ii), strike the citation “(b)” and replace it with the citation “(aa)(2)(ii)(b)” to read:

(ii) **“Allowable emissions”** means “allowable emissions” as defined in paragraph (b)(3), except as this definition is modified according to paragraphs (aa)(2)(ii)(a) and (aa)(2)(ii)(b).

At R.61-62.5, Standard 7(aa)(2)(iv)(a), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(a) Any emissions unit that emits or has the potential to emit 100 tpy or more of the PAL pollutant in an attainment area; or

At R.61-62.5, Standard 7(aa)(2)(iv)(b), strike the lower-case “s” in “section” and replace with an upper-case “S” for consistency and clarity. Before the numeral “50” add the word “fifty” and add parentheses around the numeral “50” for number denotation consistency throughout the regulation to read:

(b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of major stationary source in Section 182(c) of the Clean Air Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit fifty (50) or more tons of VOC per year.

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At R.61-62.5, Standard 7(aa)(2)(v), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation to read:

(v) **“Plantwide applicability limitation (PAL)”** means an emission limitation expressed in tpy, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (aa)(1) through (aa)(15).

At R.61-62.5, Standard 7(aa)(2)(vii), before the numeral “10” add the word “ten” and add parentheses around the numeral “10” for number denotation consistency throughout the regulation to read:

(vii) **“PAL effective period”** means the period beginning with the PAL effective date and ending ten (10) years later.

At R.61-62.5, Standard 7(aa)(2)(ix), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency, strike the citation “II G” and replace with the properly formatted citation, strike the lower-case “t” in “title” and replace with a upper-case “T” for consistency to read:

(ix) **“PAL permit”** means the major NSR permit, the minor NSR permit, or the state operating permit under Regulation 61-62.1, Section II.G, or the Title V permit issued by the Department that establishes a PAL for a major stationary source.

At R.61-62.5, Standard 7(aa)(3)(i), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit.

At R.61-62.5, Standard 7(aa)(4), Strike the citation “(g)” and replace it with the citation “(aa)(4)(i)(g)” for citation consistency throughout the text of the regulation to read:

(i) The Department is allowed to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (aa)(4)(i)(a) through (aa)(4)(i)(g) are met.

At R.61-62.5, Standard 7(aa)(4)(g), Strike the citation “(14)” and replace it with the citation “(aa)(14)” for citation consistency throughout the text of the regulation.

(g) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (aa)(12) through (aa)(14) for each emissions unit under the PAL through the PAL effective period.

At R.61-62.5, Standard 7(aa)(4)(i)(a), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity. Before the numeral “12” add the word “twelve” and add parentheses around the numeral “12” in two instances for number denotation consistency throughout the regulation. Before the numeral “11” add the word “eleven” and add parentheses around the numeral “11” in two instances for number denotation consistency throughout the regulation to read:

(a) The PAL shall impose an annual emission limitation in tpy, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first twelve (12) months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous twelve (12) consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first eleven (11)

months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

At R.61-62.5, Standard 7(aa)(4)(i)(f), before the numeral “10” add the word “ten” and add parentheses around the numeral “10” in two instances for number denotation consistency throughout the regulation to read:

(f) Each PAL shall have a PAL effective period of ten (10) years.

At R.61-62.5, Standard 7(aa)(6)(i), strike the phrase “tons/year,” and add the previously established abbreviation “tpy” for term fluidity. Strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Before the numeral “60” add the word “sixty” and add parentheses around the numeral “60” for number denotation consistency throughout the regulation. Before the numeral “30” add the word “thirty” and add parentheses around the numeral “30” for number denotation consistency throughout the regulation. Add the phrase “parts per million” after the numeral “(60),” and parentheses around the abbreviation “ppm.” Use this abbreviation hereafter for consistency and clarity to read:

(i) Except as provided in paragraph (aa)(6)(ii), the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (b)(4)) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (b)(49) or under the Clean Air Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Department shall specify a reduced PAL level(s) (in tpy) in the PAL permit to become effective on the future compliance date(s) of any applicable federal or state regulatory requirement(s) that the Department is aware of prior to the issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of sixty (60) parts per million (ppm) NO_x to a new rule limit of thirty (30) ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

At R.61-62.5, Standard 7(aa)(7), strike the citation “x” and replace it with the citation “(aa)(7)(x)” for citation consistency throughout the text of the regulation to read:

(7) **Contents of the PAL permit.** The PAL permit must contain, at a minimum, the information in paragraphs (aa)(7)(i) through (aa)(7)(x).

At R.61-62.5, Standard 7(aa)(7)(i), strike the phrase “tons per year,” and add the previously established abbreviation “tpy” for term fluidity to read:

(i) The PAL pollutant and the applicable source-wide emission limitation in tpy.

At R.61-62.5, Standard 7(aa)(8), strike the citation “(ii)” and replace it with the citation “(aa)(8)(ii)” for citation consistency throughout the text of the regulation to read:

(8) **PAL effective period and reopening of the PAL permit.** The requirements in paragraphs (aa)(8)(i) and (ii) apply to actuals PALs.

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At R.61-62.5, Standard 7(aa)(8)(i), before the numeral “10” add the word “ten” and add parentheses around the numeral “10” for number denotation consistency throughout the regulation to read:

(i) **PAL effective period.** The Department shall specify a PAL effective period of ten (10) years.

At R.61-62.5, Standard 7(aa)(8)(ii)(b)(1), strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity to read:

(1) Reduce the PAL to reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

At R.61-62.5, Standard 7(aa)(8)(ii)(b)(2), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity to read:

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the state may impose on the major stationary source under the State Implementation Plan; and

At R.61-62.5, Standard 7(aa)(8)(ii)(b)(3), strike the abbreviation “NAAQS” which stands for the phrase “National Ambient Air Quality Standard” and replace with the phrase “National Ambient Air Quality Standard” for clarity and consistency. Strike the word “Federal” for consistency and clarity to read:

(3) Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a National Ambient Air Quality Standard or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Class I area by a Federal Land Manager and for which information is available to the general public.

At R.61-62.5, Standard 7(aa)(9), strike the citation “(v)” and replace it with the citation “(aa)(9)(i)(v)” for citation consistency throughout the text of the regulation.

(9) **Expiration of a PAL.** Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through (aa)(9)(i)(v) shall apply.

At R.61-62.5, Standard 7(aa)(9)(i), strike the citation “(b)” and replace it with the citation “(aa)(9)(i)(b)” for citation consistency throughout the text of the regulation.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (aa)(9)(i)(a) and (aa)(9)(i)(b).

At R.61-62.5, Standard 7(aa)(9)(v), strike the upper-case “S” in “State” and replace with a lower-case “s” for consistency and clarity. Strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity to read:

(v) The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (r)(4), but were eliminated by the PAL in accordance with the provisions in paragraph (aa)(1)(ii)(c).

At R.61-62.5, Standard 7(aa)(10)(ii), before the numeral “6” add the word “six” and add parentheses around the numeral “6” for number denotation consistency throughout the regulation. Before the numeral “18” add the word “eighteen” and add parentheses around the numeral “18” for number denotation consistency throughout the regulation to read:

(ii) **Application deadline.** A major stationary source owner or operator shall submit a timely application to the Department to request renewal of a PAL. A timely application is one that is submitted at least six (6) months prior to, but not earlier than eighteen (18) months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

At R.61-62.5, Standard 7(aa)(10)(iii), strike the citation “(d)” and replace it with the citation “(aa)(10)(iii)(d)” for citation consistency throughout the text of the regulation to read:

(iii) **Application requirements.** The application to renew a PAL permit shall contain the information required in paragraphs (aa)(10)(iii)(a) through (aa)(10)(iii)(d).

At R.61-62.5, Standard 7(aa)(10)(iii)(a), strike the citation “(iii)” and replace it with the citation “(aa)(3)(iii)” for citation consistency throughout the text of the regulation to read:

(a) The information required in paragraphs (aa)(3)(i) through (aa)(3)(iii).

At R.61-62.5, Standard 7(aa)(10)(iv), strike the citation “(b)” and replace it with the citation “(aa)(10)(iv)(b)” for citation consistency throughout the text of the regulation to read:

(iv) **PAL adjustment.** In determining whether and how to adjust the PAL, the Department shall consider the options outlined in paragraphs (aa)(10)(iv)(a) and (aa)(10)(iv)(b). However, in no case may any such adjustment fail to comply with paragraph (aa)(10)(iv)(c).

At R.61-62.5, Standard 7(aa)(10)(iv)(a), before the numeral “80” add the word “eighty” and add parentheses around the numeral “80” for number denotation consistency throughout the regulation

(a) If the emissions level calculated in accordance with paragraph (aa)(6) is equal to or greater than eighty (80) percent of the PAL level, the Department may renew the PAL at the same level without considering the factors set forth in paragraph (aa)(10)(iv)(b); or

At R.61-62.5, Standard 7(aa)(10)(iv)(c), strike the citation “(b)” and replace it with the citation “(aa)(10)(iv)(b)” for citation consistency throughout the text of the regulation.

(c) Notwithstanding paragraphs (aa)(10)(iv)(a) and (aa)(10)(iv)(b):

At R.61-62.5, Standard 7(aa)(10)(v), strike the uppercase “S” in “State” and replace with a lower-case “s” for consistency and clarity. Strike the upper-case “F” in “Federal” and replace with a lower-case “f” for consistency and clarity. Capitalize the “t” in “title” for consistency and clarity to read:

(v) If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Department has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

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At R.61-62.5, Standard 7(aa)(11)(i), strike the citation “(d)” and replace it with the citation “(aa)(10)(iv)(d)” for citation consistency throughout the text of the regulation to read:

(i) The Department may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through (aa)(10)(iv)(d).

At R.61-62.5, Standard 7(aa)(12)(i)(b), strike the citation “(d)” and replace it with the citation “(aa)(12)(ii)(d)” for citation consistency throughout the text of the regulation to read:

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (aa)(12)(ii)(a) through (aa)(12)(ii)(d) and must be approved by the Department.

At R.61-62.5, Standard 7(aa)(12)(ii), strike the citation “(ix)” and replace it with the citation “(aa)(12)(ix)” for citation consistency throughout the text of the regulation to read:

(ii) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (aa)(12)(iii) through (aa)(12)(ix):

At R.61-62.5, Standard 7(aa)(12)(iv)(a), capitalize the word “Appendix” for consistency and clarity to read:

(a) CEMS must comply with applicable Performance Specifications found in 40 CFR 60, Appendix B; and

At R.61-62.5, Standard 7(aa)(12)(iv)(b), before the numeral “15” add the word “fifteen” and add parentheses around the numeral “15” for number denotation consistency throughout the regulation to read:

(b) CEMS must sample, analyze and record data at least every fifteen (15) minutes while the emissions unit is operating.

At R.61-62.5, Standard 7(aa)(12)(v)(b), before the numeral “15” add the word “fifteen” and add parentheses around the numeral “15” for number denotation consistency throughout the regulation to read:

(b) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.

At R.61-62.5, Standard 7(aa)(12)(vi)(c), before the numeral “6” add the word “six” and add parentheses around the numeral “6” for number denotation consistency throughout the regulation to read:

(c) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six (6) months of PAL permit issuance, unless the Department determines that testing is not required.

At R.61-62.5, Standard 7(aa)(12)(v)(b), before the numeral “15” add the word “fifteen” and add parentheses around the numeral “15” for number denotation consistency throughout the regulation to read:

(b) Each CPMS or PEMS must sample, analyze, and record data at least every fifteen (15) minutes, or at another less frequent interval approved by the Department, while the emissions unit is operating.

At R.61-62.5, Standard 7(aa)(12)(viii), strike the citation “(vii)” and replace it with the citation “(aa)(12)(vii)” for citation consistency throughout the text of the regulation to read:

(viii) Notwithstanding the requirements in paragraphs (aa)(12)(iii) through (aa)(12)(vii), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Department shall, at the time of permit issuance:

At R.61-62.5, Standard 7(aa)(13), before the numeral “5” add the word “five” and add parentheses around the numeral “5” for number denotation consistency throughout the regulation to read:

(13) **Recordkeeping requirements.** (i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (aa) and of the PAL, including a determination of each emissions unit’s 12-month rolling total emissions, for five (5) years from the date of such record.

At R.61-62.5, Standard 7(aa)(13)(ii), before the numeral “5” add the word “five” and add parentheses around the numeral “5” for number denotation consistency throughout the regulation to read:

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five (5) years:

At R.61-62.5, Standard 7(aa)(13)(ii)(b), capitalize the word “title” for consistency and clarity to read:

(b) Each annual certification of compliance pursuant to Title V and the data relied on in certifying the compliance.

At R.61-62.5, Standard 7(aa)(14), capitalize the word “title” for consistency and clarity. Strike the citation “(iii)” and replace it with the citation “(aa)(14)(iii)” for citation consistency throughout the text of the regulation to read:

(14) **Reporting and notification requirements.** The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Department in accordance with the applicable Title V operating permit program. The reports shall meet the requirements in paragraphs (aa)(14)(i) through (aa)(14)(iii).

At R.61-62.5, Standard 7(aa)(14)(i), strike the citation “(g)” and replace it with the citation “(aa)(14)(i)(g)” for citation consistency throughout the text of the regulation to read:

(i) **Semi-annual report.** The semi-annual report shall be submitted to the Department within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (aa)(14)(i)(g).

At R.61-62.5, Standard 7(aa)(14)(i)(g), capitalize “title” for consistency to read:

(g) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

At R.61-62.5, Standard 7(aa)(14)(ii)(d), capitalize the word “title” for consistency and clarity to read:

(d) A signed statement by the responsible official (as defined by the applicable Title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

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At **R.61-62.5, Standard 7(aa)(14)(iii)**, before the numeral “3” add the word “three” and add parentheses around the numeral “3” for number denotation consistency throughout the regulation to read:

(iii) **Re-validation results.** The owner or operator shall submit to the Department the results of any re-validation test or method within three (3) months after completion of such test or method.

At **R.61-62.5, Standard 7(aa)(15)(i)**, strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation to read:

(i) The Department may not issue a PAL that does not comply with the requirements in paragraphs (aa)(1) through (aa)(15) after the date these provisions become effective.

At **R.61-62.5, Standard 7(aa)(15)(ii)**, strike the citation “(15)” and replace it with the citation “(aa)(15)” for citation consistency throughout the text of the regulation to read:

(ii) The Department may supersede any PAL that was established prior to the date these provisions become effective with a PAL that complies with the requirements of paragraphs (aa)(1) through (aa)(15).

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

The South Carolina Department of Labor, Licensing, and Regulation (LLR) does hereby give notice under Section 41-15-220, S.C. Code of Laws, 1976, as amended, that a public hearing will be held on April 11, 2013 at 2:00 p.m. at the S.C. Department of LLR, 1st floor, room 115, 110 Centerview Drive, Columbia, S.C., at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the South Carolina Department of Labor, Licensing and Regulation will promulgate, revoke or modify Rules and Regulations pursuant to Section 41-15-210, South Carolina Code of Laws, 1976. The parts of the Occupational Safety and Health Rules and Regulations to be considered at the hearing are as follows:

In Subarticle 6 (General Industry and Public Sector Marine Terminals):

Revisions to Sections: 1910.119, 1910.120, 1910.1001, 1910.1044, 1910.1048, 1910.1051, 1910.1052, 1910.1200 and 1910.1450.

In Subarticle 7 (Construction)

Revisions to Sections: 1926.64, 1926.65, 1926.251 and 1926.1101.

Summary of Changes: Technical amendments to Appendix A of 1910.1450, Occupational exposure to hazardous chemicals in laboratories will update the recommendations in this non-mandatory appendix based on the 2011 version of “Prudent Practices”. Corrections are being made to various standards containing references to “Material Safety Data Sheets” (MSDS) that should read “safety data sheets” (SDS). Notations in tables and other references defined by the Hazard Communication Final Rule published March 26, 2012 are being corrected. In construction labeling provisions in asbestos are being revised; other corrections include rigging equipment.

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the S.C. Department of LLR during normal business hours by contacting the Occupational Safety and Health Administration office at (803) 896-5811.

Persons desiring to speak at the hearing shall file with the Director of LLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than March 28, 2013. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views to the undersigned in writing on or before March 28, 2013.

Holly Pisarik
Director
SC Department of LLR
Post Office Box 11329
Columbia, SC 29211-1329

DEPARTMENT OF PUBLIC SAFETY

NOTICE OF GENERAL PUBLIC INTEREST

The Department of Public Safety elected to terminate the promulgation process on Regulation Document No. 4340, relating to Regulation of Wrecker Services.

48 DRAFTING NOTICES

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: Individuals with Disabilities Education Improvement Act of 2004,
20 U.S.C. 1400 et seq. (2004)

Notice of Drafting:

The South Carolina Board of Education proposes to amend the regulation 43-243, Special Education, Education of Students with Disabilities. Interested persons may submit written comments to Cathy Boshamer, Director, Office of Exceptional Children, 1429 Senate Street, Suite 808, Columbia, SC 29201 or by e-mail to cboshamer@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. April 29, 2013, the close of the drafting comment period.

Synopsis:

The Board is proposing to amend Regulation 43-243 to reflect changes in current special education practices including alignment with newly published federal regulation amendment to the Individuals with Disabilities Education Act, the change of the date of the annual child count of students with disabilities, and other editorial or necessary corrections to comply with federal requirements.

Legislative review of this amendment is not required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP). Interested persons are invited to present their views concerning these amendments in writing to Mallori K. McAllister, Division of Air Innovations, Assessment, and Regulation, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201, or via electronic mail at mcallmk@dhec.sc.gov. To be considered, the Department must receive comments by 5:00 p.m. on April 22, 2013, the close of the drafting comment period.

Synopsis:

The Department may propose to make the following categories of revisions to Regulation 61-62 including, but not limited to:

1) The Department may propose to make changes to Regulation 61-62, Air Pollution Control Regulations and Standards, to codify and update "General" language and to add "Appeals" language which will be applicable to all of Regulation 61-62. Appeals language as outlined in S.C. Code Ann. Section 44-1-60 (Supp. 2012).

2) The Department may propose to amend Regulation 61-62.1, Definitions and General Requirements, to clarify emissions inventory and emissions statements requirements; to incorporate provisions from two Final Rules published by the Environmental Protection Agency (Restructuring of the Stationary Source Audit Program (75 FR 55636) and Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (76 FR 17288)); to clarify air emissions testing and reporting requirements; to streamline and update permitting requirements; and to make other revisions as deemed necessary which may include the addition or removal of terms and definitions.

3) The Department may also propose to make changes to Regulation 61-62.5, Standard 1, Emissions from Fuel Burning Operations; and Standard 4, Emissions from Process Industries; to incorporate comments from a previous regulatory action which did not require General Assembly review.

4) The Department may also propose to make revisions to Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability consistent with the federal definition found in 40 Code of Federal Regulations (CFR) Section 63.40(b) and to provide clarification related to state authority.

5) The Department is also conducting the five-year regulatory audit required by the South Carolina Administrative Procedures Act. As a part of this audit process, the Department may propose to make revisions to Regulation 61-62 that, while minor and aimed at enhancing the clarity and usability of these regulations, are outside the scope of the errata method of correction that has been used for other revisions.

6) The Department may also propose other changes to Regulation 61-62 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Pursuant to S.C. Code Section, 1-23-120(H)(1), these proposed amendments are not mandated by federal law and therefore will require legislative review.

50 PROPOSED REGULATIONS

Document No. 4344

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer 37-100 through 37-110. Article 5, Adjudication of Misconduct Allegations

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed additions to the regulations will formalize the agency level contested case hearing process, including a probable cause determination by the Director, requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members and/or Director, and right to be represented by counsel.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-018 This section contains an addition to make it clear an officer may be suspended pending adjudication of an allegation of misconduct.

Article 5 (New)

37-100 This section will deal with the probable cause determination made by the Director.

37-101 This section deals with requests for contested case hearings.

37-102 This section deals with what happens is an officer fails to request a contested case hearing.

37-103 This section deals with prosecution of the allegation of misconduct and docketing of the contested case hearing.

37-104 This section deals with discovery in preparation for the contested case hearing.

37-105 This section deals with the mechanics of how the contested case hearing will run, including notice of the hearing and issuance of a recommendation after the hearing.

37-106 This section deals with failure of the agency or the officer to appear at the contested case hearing.

37-107 This section deals with the Council's issuance of the final agency decision.

37-108 This section outlines the sanctions available in cases of misconduct, including a voluntary consent to sanctions provision.

37-109 This section deals with recusal of Council members and/or the Director in certain situations.

37-110 This section deals with a candidate/officer's right to be represented by Counsel.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increase in costs to the Academy as the requirements put forth by these regulations track those created by the Administrative Procedures Act.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to formalize the agency level contest case hearing process, including a probable cause determination by the Director, requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members and/or Director, and right to be represented by counsel.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will formalize the agency level contest case hearing process, including a probable cause determination by the Director, requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members and/or Director, and right to be represented by counsel.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increase in costs to the Academy as the requirements put forth by these regulations track those created by the Administrative Procedures Act.

52 PROPOSED REGULATIONS

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 these regulations are necessary to formalize the agency level contest case hearing process, including a probable cause determination by the Director, requests for contested case hearing, failure to request a contested case hearing, docketing, discovery, hearing format and requirements; failure to appear at contested case hearing, final decision by the Law Enforcement Training Council, sanctions, recusal of Council members and/or Director, and right to be represented by counsel.

Text:

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

Document No. 4345
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-112. Reporting to the National Decertification Index and on the Criminal Justice Academy Webpage

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed additions to the regulations will allow for reporting of misconduct by law enforcement officers to the National Decertification Index and on the CJA website once a case is finalized (no more appeals pending or possible).

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-112 This section is new and deals with reporting final decisions regarding misconduct on the National Decertification Index and on the Criminal Justice Academy Webpage.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer

Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be a minimal increase in costs to the state with these changes, but these costs can be absorbed by the Academy.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to allow for reporting of misconduct by law enforcement officers to the National Decertification Index and on the CJA website once a case is finalized (no more appeals pending or possible).

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will allow for reporting of misconduct by law enforcement officers to the National Decertification Index and on the CJA website once a case is finalized (no more appeals pending or possible).

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having improved communication regarding those candidates, officers, and operators that have been found to have committed misconduct.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

54 PROPOSED REGULATIONS

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to allow for reporting of misconduct by law enforcement officers to the National Decertification Index and on the CJA website once a case is finalized (no more appeals pending or possible).

Text:

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

Document No. 4369
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Section 23-47-20(C)(15)

37-062. Training to Take Place within One Year of Hire

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed addition to the regulation will allow 911 operators one year to attend training at the Academy, which is consistent with S.C. Code §23-23-40 which allows one year to attend training for law enforcement officers.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-062 This section is new and sets out that operator training must occur within one year of hire, which is consistent with S.C. Code §23-23-40 which allows one year to attend training for law enforcement officers.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final

proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

As operators are already required to attend training prior to beginning work as an operator, there is no anticipated fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to allow 911 operators one year to attend training at the Academy, which is consistent with S.C. Code §23-23-40 which allows one year to attend training for law enforcement officers.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will allow 911 operators one year to attend training at the Academy, which is consistent with S.C. Code §23-23-40 which allows one year to attend training for law enforcement officers.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having one year to send operators to training at the Academy, rather than having to send operators to training before they work at all in the 911 center.

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 these regulations are necessary to allow 911 operators one year to attend training at the Academy, which is consistent with S.C. Code §23-23-40 which allows one year to attend training for law enforcement officers.

56 PROPOSED REGULATIONS

Text:

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

Document No. 4374
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Section 23-47-20(C)(15)

37-068. Application for Issuance or Re-issuance of Certification

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed additions to the regulations will add a section to make 911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-068 This section is new and will make 911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from the proposed changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to add a section to make 911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will add a section to make 911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by following the same process for application for issuance or re-issuance of certification of operator and law enforcement certification.

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 these regulations are necessary to add a section to make 911 operators' process for application for issuance or re-issuance of certification comparable to S.C. Reg. 38-002.

Text:

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

58 PROPOSED REGULATIONS

Document No. 4355
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-002. Application for Re-issuance of Certification

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed are a complete rewrite of this section to take into account recent U.S. Supreme Court decisions, federal law changes, and state law changes.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-002 This section adds requirements for re-issuance of certification to law enforcement officers with regard to citizenship, whether they are in arrears in child support, and whether they are subject to an Order of Protection, Restraining Order, or Foreign Protection Order. It also specifically allows the Council to bring penalties against agencies that do not comply with the regulations.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increase in cost due to this change as this change merely puts into the regulation what is already the law via federal statutes, state statutes, and U.S. Supreme Court decisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to have the regulation fully articulate requirements set by U.S. Supreme Court decisions, federal law changes, and state law changes.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed changes will have the regulation fully articulate requirements set by U.S. Supreme Court decisions, federal law changes, and state law changes.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having the regulation be consistent with U.S. Supreme Court decisions, federal law changes, and state law changes.

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 these regulations are necessary to have the regulation be consistent with U.S. Supreme Court decisions, federal law changes, and state law changes.

Text:

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

60 PROPOSED REGULATIONS

Document No. 4346
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-014. Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulation will add clarifying language to the regulation and decrease the amount of documentation that will be required to be submitted to the Academy for lesson plan approval.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-014 This section decreases the amount of documentation required to be submitted to the Academy for CLEE approval.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

This will reduce the cost of the approving courses for CLEE hours by reducing the paperwork submitted for the same.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to add clarifying language to the regulation and decrease the amount of documentation that will be required to be submitted to the Academy for lesson plan approval.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed changes to the regulation will add clarifying language to regulations and decrease the amount of documentation that will be required to be submitted to the Academy for lesson plan approval.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having to submit less documentation to have lesson plans approved for CLEE hours and by having the lesson plans processed more quickly by the Academy.

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 this regulation are necessary to add clarifying language to regulations and decrease the amount of documentation that will be required to be submitted to the Academy for lesson plan approval.

Text:

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

62 PROPOSED REGULATIONS

Document No. 4363
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-025. Approval of Training Programs

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulation will clarify the meaning of the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-025 This section contains changes to clarify the meaning of the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to clarify the meaning of the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulation will clarify the meaning of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from these changes.

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 this regulation are necessary to clarify the meaning of the regulation.

Text:

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

Document No. 4376
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-111. Assignment of Costs

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed additions to the regulations will allow for assignment of costs for agency level contested case hearings.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-111 This section is new and deals with assignment of costs for the contested case hearing, investigation, prosecution, preparation, and processing.

64 PROPOSED REGULATIONS

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increase in costs to the state from the proposed changes. It is anticipated that the state will recover significant costs in those cases where candidates/officers/operators are found to have committed misconduct.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to allow for assignment of costs for agency level contested case hearings.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will allow for assignment of costs for agency level contested case hearings.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by not having to fund contested case hearings for candidates/officers/operators that are ultimately found to have committed misconduct.

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 these regulations are necessary to allow for assignment of costs for agency level contested case hearings.

Text:

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

Document No. 4368

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

37-061. Authority of Director

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed addition to the regulation will define the authority of the Director.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-061 This section is new and establishes the Director's authority.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00

66 PROPOSED REGULATIONS

p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to define the authority of the Director with regard to 911 operators. The proposed regulation is based off of the similar regulation for law enforcement officers.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulation will define the authority of the Director with regard to 911 operators. The proposed regulation is based off of the similar regulation for law enforcement officers.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from this change.

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 these regulations are necessary to define the authority of the Director with regard to 911 operators. The proposed regulation is based off of the similar regulation for law enforcement officers.

Text:

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

Document No. 4366
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 38
 Statutory Authority: 1976 Code Section 23-47-20(C)(15)

38-063. Break in Service after Certification

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed changes to the regulation will entirely rewrite this section to ensure it is consistent with S.C. Reg. 38-008.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-063 This section is entirely rewritten to ensure it is consistent with S.C. Reg. 38-008.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no fiscal impact as a result of these changes.

68 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to entirely rewrite this regulation to ensure it is consistent with S.C. Reg. 38-008.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulation will be entirely rewritten to ensure it is consistent with S.C. Reg. 38-008.

DETERMINATION OF COSTS AND BENEFITS:

There is no fiscal impact as a result of these changes.

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 these regulations are necessary to entirely rewrite this regulation to ensure it is consistent with S.C. Reg. 38-008.

Text:

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

Document No. 4372
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 37
 Statutory Authority: 1976 Code Section 23-47-20(C)(15)

37-065. Certification

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed additions to the regulations will clarify when certification takes place.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-065 This section will clarify when certification takes place.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact as a result of this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to clarify when certification takes place.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

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

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

The proposed regulations will clarify when certification takes place.

DETERMINATION OF COSTS AND BENEFITS:

There is no fiscal impact as a result of this change.

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 these regulations are necessary to clarify when certification takes place.

Text:

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

Document No. 4357

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-013. Continuing Law Enforcement Education Requirements for Re-certification

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will add consistency within this regulation itself and clarify the amount of continuing education requirements required for re-certification.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-013 This section contains changes that will add consistency within the regulation itself and clarify the amount of continuing education requirements required for re-certification.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased cost due to these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to add consistency within the regulation itself and clarify the amount of continuing education requirements required for re-certification.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will add consistency within the regulation itself and clarify the amount of continuing education requirements required for re-certification.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having a clearer understanding of the amount of continuing education requirements required for re-certification.

UNCERTAINTIES OF ESTIMATES:

None.

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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 these regulations are necessary to add consistency within the regulation itself and clarify the amount of continuing education requirements required for re-certification.

Text:

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

Document No. 4367

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

38-060. Definitions

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed changes to the regulation will clarify the definition of “operator.”

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-060 This section will clarify the definition of “operator.”

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00

p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to clarify the definition of “operator.”

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulation will clarify the definition of “operator.”

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from this change.

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 these regulations are necessary to clarify the definition of “operator” in the regulation.

Text:

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

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Document No. 4364
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-027. Effect of Failure to Comply

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will clarify the meaning of the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-027 This section contains changes to clarify the meaning of the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes to this regulation is to clarify the meaning of the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulation will clarify the meaning of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from this change.

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 this regulation are necessary to clarify the meaning of the regulation.

Text:

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

Document No. 4353
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-008. Equivalent Training

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will remove section C “Military Training” in its entirety.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-008 This section removes equivalent training credit for military training.

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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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will no increase in costs to the state with this change, as the Academy has been unable, for at least a decade, to give credit for military training toward the training conducted at the Academy due to significant differences in the training provided by the military and the Academy. The Academy does anticipate a small amount of savings due to this change from not having to use resources reviewing military training that has, for years, not been equivalent to Academy training.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to remove equivalent training credit for military training.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will remove equivalent training credit for military training.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by Academy staff not spending large amounts of time reviewing military training that is not and has not, for at least a decade, been equivalent to Academy training. This will also speed up the reviews for other state training and federal training.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

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 these regulations are necessary to save Academy staff time currently spent reviewing military training that has not been equivalent to Academy training for at least a decade.

Text:

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

Document No. 4354

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-008. Equivalent Training

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will add some clarifying language to subsections 2 and 3.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-008 This section adds some clarifying language and removes other language.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00

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p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increase in costs due to these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATIONS:

Purpose: The purpose of these proposed changes is to clean up the language throughout the regulations so they reflect the split of CJA from DPS. Many of the other substantive changes are requested to bring the regulations in line with federal law, state law, or best practices as observed in our and other states.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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

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

The proposed changes will clean up the language throughout the regulations so they reflect the split of CJA from DPS. Many of the other substantive changes are requested to bring the regulations in line with federal law, state law, or best practices as observed in our and other states.

DETERMINATION OF COSTS AND BENEFITS:

The proposed changes will clean up the language throughout the regulations so they reflect the split of CJA from DPS. Many of the other substantive changes are requested to bring the regulations in line with federal law, state law, or best practices as observed in our and other states.

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 these regulations are necessary to finalize the split of CJA from DPS and to make the regulations consistent with the statutes (Training Act).

Text:

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

Document No. 4360
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-015. Extension of Certification Renewal Date

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulation will clarify the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-015 This section contains changes clarifying the meaning of the section. Also, this section allows for a penalty to be brought against agencies that do not comply with this regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact due to this change.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to clarify the meaning of the section. Also, the purpose is to ensure this section allows for a penalty to be brought against agencies that do not comply with this regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will clarify the meaning of the section. Also, the proposed regulations will ensure this section allows for a penalty to be brought against agencies that do not comply with this regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from these changes.

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 these regulations are necessary to clarify the meaning of the section. Also, revisions are necessary to ensure this section allows for a penalty to be brought against agencies that do not comply with this regulation.

Text:

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

Document No. 4359
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-015. Extension of Certification Renewal Date

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will remove unnecessary language from the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-015 This section will remove unnecessary language from the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact due to this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to remove unnecessary language from the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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

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

The proposed regulation will remove unnecessary language from the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from the proposed changes.

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 these regulations are necessary to remove unnecessary language from the regulation.

Text:

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

Document No. 4358
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-015. Extension of Certification Renewal Date

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulation will take federal law into consideration when granting an extension of a certification renewal date and provide officers with enough time to fully use the time allowed to return to their law enforcement employer after a military deployment without compromising their law enforcement certification.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-015 This section gives officers called to military duty a longer period of time to come back into compliance with regard to the CLEE requirements than is currently given. This extension of time is proposed

to bring these regulations more in line with federal law. This section also provides that officers who do not come back into compliance will have to return for training under the training break in service regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

No change in cost is anticipated.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to take federal law into consideration when granting an extension of a certification renewal date and provide officers with enough time to fully use the time allowed to return to their law enforcement employer after a military deployment without compromising their law enforcement certification. Also, the proposed changes would provide that officers who do not come back into compliance will have to return for training under the training break in service regulation. This will prevent officers from returning from deployments, seeking civilian (i.e. non-law enforcement) employment for an extended time, and then citing their military deployment alone as a reason for the Academy to extend their certification date to avoid the normal break in service regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will take federal law into consideration when granting an extension of a certification renewal date and provide officers with enough time to fully use the time allowed to return to their law enforcement employer after a military deployment without compromising their law enforcement certification. Also, the proposed changes would provide that officers who do not come back into compliance will have to return for training under the training break in service regulation. This will prevent officers from returning from

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deployments, seeking civilian (i.e. non-law enforcement) employment for an extended time, and then citing their military deployment alone as a reason for the Academy to extend their certification date to avoid the normal break in service regulation.

DETERMINATION OF COSTS AND BENEFITS:

No change in cost is anticipated.

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 this regulation is necessary to take federal law into consideration when granting an extension of a certification renewal date and provide officers with enough time to fully use the time allowed to return to their law enforcement employer after a military deployment without compromising their law enforcement certification. Also, the proposed changes would provide that officers who do not come back into compliance will have to return for training under the training break in service regulation. This will prevent officers from returning from deployments, seeking civilian (i.e. non-law enforcement) employment for an extended time, and then citing their military deployment alone as a reason for the Academy to extend their certification date to avoid the normal break in service regulation.

Text:

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

Document No. 4365
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-005. Firearms Qualification Requirement

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulation will bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-005 The proposed changes will bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be minimal increased costs to the state with these changes and, in most cases, a minimal increase in costs to the law enforcement agencies. Due to potential litigation and recommended best practices, most law enforcement agencies already perform firearms qualification at least once per year. For those agencies, this regulation change will simply document the completion of that firearms qualification each year. For those law enforcement agencies that do not conduct firearms qualification each year, there will be an increase in costs due to the regulation change, but this increase in cost should be offset in the long run by a decrease in litigation and insurance costs.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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

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

The proposed changes will bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually. There will be minimal increased costs to the state with these changes and, in most cases, a minimal increase in costs to the law enforcement agencies. Due to potential litigation and recommended best practices, most law enforcement agencies already perform firearms qualification at least once per year. For those agencies, this regulation change will simply document the completion of that firearms qualification each year. For those law enforcement agencies that do not conduct firearms qualification each year, there will be an increase in costs due to the regulation change, but this increase in cost should be offset in the long run by a decrease in litigation and insurance costs.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having firearms qualification each year and by having that qualification tracked in their state training records. Additionally, the law enforcement community will benefit by having a decrease in litigation and insurance costs in the long run.

UNCERTAINTIES OF ESTIMATES:

This is a rough estimation of cost and benefits.

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 these regulations are necessary to bring firearms continuing education in line with emergency vehicle operations continuing education training by requiring all law enforcement officers to qualify with their issued firearm annually.

Text:

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

Document No. 4362
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 38
 Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-022. Law Enforcement Emergency Vehicle Training Programs

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will clarify the meaning of the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-022 This section contains changes to clarify the meaning of the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to clarify the meaning of the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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

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

The proposed regulation will clarify the meaning of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from these changes.

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 this regulation are necessary to clarify the meaning of the regulation.

Text:

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

Document No. 4361
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-021. Law Enforcement Emergency Vehicle Training Requirement

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will remove unnecessary language from the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-021 This section will remove unnecessary language from the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of the proposed changes is to remove unnecessary language from the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will remove unnecessary language from the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There will be no fiscal impact from these changes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to remove unnecessary language from the regulation.

Text:

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

Document No. 4349

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-021. Law Enforcement Emergency Vehicle Training Requirement

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Reg. 38-021(B) addresses “grandfathering” for officers holding a valid certification as of the last effective dates of these regulations and required emergency vehicle training within 180 days of the last effective date of these regulations. As the last effective date was in 2003, this section is no longer needed. The proposed change will delete section B of regulation 38-021.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-021 The proposed change will delete section B of regulation 38-021.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final

proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no increase in cost due to this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to delete a section of the regulation that is no longer necessary.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed change 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:

The proposed change will delete a section of the regulation that is no longer necessary.

DETERMINATION OF COSTS AND BENEFITS:

There is no change in cost or benefit due to this change.

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 proposed change will delete a section of the regulation that is no longer necessary.

Text:

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

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Document No. 4347

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

38-001. through 38-065. Article 1, Criminal Justice Academy

Preamble:

The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10, et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. S.C. Code §23-23-10, et seq. requires the Criminal Justice Academy to train, certify, and evaluate eligibility for certification of candidates for law enforcement certification in the state of South Carolina. S.C. Code 23-47-20(C)(15) requires telecommunication operators or dispatchers to be trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. The proposed changes to the regulations will address inconsistencies between S.C. Code §23-23-10, et seq., S.C. Code §23-47-20(C)(15), and the current regulations.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

- 38-001 This section contains only clean up from CJA's split from DPS.
- 38-002 This section contains only clean up from CJA's split from DPS.
- 38-003 This section contains only clean up from CJA's split from DPS.
- 38-004 This section contains only clean up from CJA's split from DPS.
- 38-005 No language changes.
- 38-006 No language changes.
- 38-007 This section contains only clean up from CJA's split from DPS.
- 38-008 This section contains only clean up from CJA's split from DPS.
- 38-009 This section contains only clean up from CJA's split from DPS.
- 38-010 This section contains only clean up from CJA's split from DPS.
- 38-011 No language changes.
- 38-012 This section contains only clean up from CJA's split with DPS.
- 38-013 This section contains only clean up from CJA's split with DPS.
- 38-014 This section contains only clean up from CJA's split from DPS.
- 38-015 This section contains only clean up from CJA's split from DPS.

- 38-016 This section contains only clean up from CJA’s split from DPS.
- 38-017 This section contains only clean up from CJA’s split from DPS.
- 38-018 This section contains only clean up from CJA’s split from DPS.
- 38-019 This section contains only clean up from CJA’s split from DPS.
- 38-020 No language changes.
- 38-021 This section contains only clean up from CJA’s split from DPS.
- 38-022 This section contains only clean up from CJA’s split from DPS.
- 38-023 This section contains only clean up from CJA’s split from DPS.
- 38-024 This section contains only clean up from CJA’s split from DPS.
- 38-025 This section contains only clean up from CJA’s split from DPS.
- 38-026 No language changes.
- 38-027 No language changes.
- 38-028 This section adds definitions for “Agency,” “Director,” “Academy,” and “Council.”
- 38-060 This section contains only clean up from CJA’s split from DPS.
- 38-061 This section contains only clean up from CJA’s split from DPS.
- 38-062 This section contains only clean up from CJA’s split from DPS.
- 38-063 No language changes.
- 38-064 No language changes.
- 38-065 No language changes.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final

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proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no increase in cost due to these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to clean up the language throughout the regulations so they reflect the split of CJA from DPS.

Legal Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will clean up the language of the regulations to reflect the split of CJA from DPS.

DETERMINATION OF COSTS AND BENEFITS:

There is no increase in cost due to these changes.

UNCERTAINTIES OF ESTIMATES:

Not applicable.

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 these regulations are necessary to finalize the split of CJA from DPS and to make the regulations consistent with the statutes (Training Act).

Text:

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

Document No. 4350

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

37-001 through 37-030. Article 1, Law Enforcement Training
 37-060, 37-064, 37-066, 37-067, 37-069, and 37-070. Article 3, E-911 System

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to promulgate regulations necessary for the training of telecommunication operators or dispatchers. The regulations are currently housed in Chapter 38 South Carolina Department of Public Safety. The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10, et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. As part of this separation, the regulations must be moved to a new chapter titled “Law Enforcement Training Council.” Additionally, for ease of use, the regulations order should be reorganized.

The proposed changes to the regulations will remove the regulations from Chapter 38, renumber them and place them in a new chapter titled “Law Enforcement Training Council.” The proposed changes to the regulations will also be reorganized to make them easier to use.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-001 This section moves part of the former section 38-028 to 37-001 and makes conforming clean up changes regarding regulation chapter and number changes.

37-002 This section moves the former section 38-001 to 37-002.

37-003 This section moves the former section 38-003 to 37-003 and makes conforming clean up changes regarding regulation chapter and number changes.

37-004 This section moves the former section 38-006 to 37-004 and makes conforming clean up changes regarding regulation chapter and number changes.

37-005 This section moves the former section 38-007 to 37-005.

37-006 This section moves the former section 38-008 to 37-006 and makes conforming clean up changes regarding regulation chapter and number changes.

37-007 This section moves the former section 38-002 to 37-007.

37-008 This section moves the former section 38-014 to 37-008.

37-009 This section moves the former section 38-012 to 37-009 and makes conforming clean up changes regarding regulation chapter and number changes.

37-010 This section moves the former section 38-013 to 37-010 and makes conforming clean up changes regarding regulation chapter and number changes.

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37-011 This section moves the former section 38-015 to 37-011 and makes conforming clean up changes regarding regulation chapter and number changes.

37-012 This section moves the former section 38-011 to 37-012 and makes conforming clean up changes regarding regulation chapter and number changes.

37-013 This section moves part of the former section 38-028 to 37-013 and makes conforming clean up changes regarding regulation chapter and number changes.

37-014 This section moves the former section 38-021 to 37-014 and makes conforming clean up changes regarding regulation chapter and number changes.

37-015 This section moves the former section 38-022 to 37-015 and makes conforming clean up changes regarding regulation chapter and number changes.

37-016 This section moves the former section 38-023 to 37-016 and makes conforming clean up changes regarding regulation chapter and number changes.

37-017 This section moves the former section 38-014 to 37-017 and makes conforming clean up changes regarding regulation chapter and number changes.

37-018 This section moves the former section 38-025 to 37-018.

37-019 This section moves the former section 38-026 to 37-019 and makes conforming clean up changes regarding regulation chapter and number changes.

37-020 This section moves the former section 38-027 to 37-020 and makes conforming clean up changes regarding regulation chapter and number changes.

37-021 This section moves the former section 38-005 to 37-021.

37-022 This section moves the former section 38-009 to 37-022.

37-023 This section moves the former section 38-017 to 37-023 and makes conforming clean up changes regarding regulation chapter and number changes.

37-024 This section moves the former section 38-018 to 37-024 and makes conforming clean up changes regarding regulation chapter and number changes.

37-025 This section moves the former section 38-004 to 37-025 and makes conforming clean up changes regarding regulation chapter and number changes.

37-026 This section moves the former section 38-016 to 37-026 and makes conforming clean up changes regarding regulation chapter and number changes.

37-027 This section moves the former section 38-019 to 37-027 and makes conforming clean up changes regarding regulation chapter and number changes.

37-028 New.

37-029 This section moves the former section 38-020 to 37-029 and makes conforming clean up changes regarding regulation chapter and number changes.

37-030 This section moves the former section 38-010 to 37-030 and makes conforming clean up changes regarding regulation chapter and number changes.

37-060 This section moves the former section 38-060 to 37-060.

37-064 This section moves the former section 38-061 to 37-064

37-066 This section moves the former section 38-062 to 37-066.

37-067 This section moves the former section 38-063 to 37-067 and makes conforming clean up changes regarding regulation chapter and number changes.

37-069 This section moves the former section 38-065 to 37-069.

37-070 This section moves the former section 38-064 to 37-070.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no increase in cost due to these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The regulations are currently housed in Chapter 38 South Carolina Department of Public Safety. The General Assembly passed Act 317 and Act 335 (South Carolina Code §23-23-10, et seq.) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. As part of this separation, the regulations must be moved to a new chapter titled "Law Enforcement Training Council." Additionally, for ease of use, the regulations order should be reorganized. The proposed changes to the regulations will remove the regulations from Chapter 38, renumber them and place them in a new chapter titled "Law Enforcement Training Council." The proposed changes to the regulations will also be reorganized to make them easier to use.

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Legal Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed changes to the regulations will remove the regulations from Chapter 38, renumber them and place them in a new chapter titled "Law Enforcement Training Council." The proposed changes to the regulations will also be reorganized to make them easier to use.

DETERMINATION OF COSTS AND BENEFITS:

There is no increase in cost due to these changes.

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 these regulations are necessary to finalize the split of CJA from DPS, to make the regulations consistent with the statutes (Training Act), and to make the regulations easier to use.

Text:

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

Document No. 4356

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

- 38-004. Denial of Certification for Misconduct
- 38-009. Separation from Law Enforcement Employment
- 38-016. Withdrawal of Certification of Law Enforcement Officers
- 38-017. Reporting of Events Requiring Withdrawal of Certification
- 38-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer
- 38-019. Notification of Withdrawal of Certification

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will rewrite the regulations in their entirety to ensure that denial, withdrawal, and/or restriction of law enforcement certification is done in a universally consistent manner, including the processes by which such cases would be handled.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-004 This section essentially merges the current misconduct sections of section 38-004 and 38-016 and ensures it covers state and federal certification violations as well as those currently contained in the definition of misconduct. This section also removes the requirement that excessive force occur on repeated occasions and allows for a finding of misconduct for unlawfully possessing a controlled substance.

38-009 This section primarily contains clarifying language and removes a section that is moved to R.38-017.

38-016 This section removes the section that is combined with R.38-004 above, contains clarifying language, and includes a provision to make it clear that currently certified law enforcement officers have to continue to maintain good character while certified.

38-017 This section contains clarifying language to make it clear it covers all allegations of misconduct. This section also adds a provision that allegations of misconduct are made under penalty of perjury and contains the notice provision moved from R.38-009.

38-018 This section contains clarifying language to make it clear it covers all allegations of misconduct. This section also adds a provision describing what law enforcement officers may not do if their certification is suspended and contains a notice provision.

38-019 This section contains clarifying language to make it clear it covers all allegations of misconduct. This section also adds a notice provision.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will

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consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

These changes should have no or very little fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to rewrite the regulations in their entirety to ensure that denial, withdrawal, and/or restriction of law enforcement certification is done in a universally consistent manner, including the processes by which such cases would be handled.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed regulations will rewrite the regulations in their entirety to ensure that denial, withdrawal, and/or restriction of law enforcement certification is done in a universally consistent manner, including the processes by which such cases would be handled.

DETERMINATION OF COSTS AND BENEFITS:

It is estimated there will be no or very little fiscal impact as a result of these changes.

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 these regulations are necessary to rewrite the regulations in their entirety to ensure that denial, withdrawal, and/or restriction of law enforcement certification is done in a universally consistent manner, including the processes by which such cases would be handled.

Text:

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

Document No. 4375
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Section 23-47-20(C)(15)

- 38-064. Separation from Employment
- 37-071. Reporting of Events Requiring Denial, Withdrawal, and/or Restriction of Certification
- 37-072. Investigation of Events Alleged to Require Denial, Withdrawal, and/or Restriction of Certification; Suspension Pending Investigation and/or Adjudication of Allegations; Notification to Operator
- 37-073. Denial, Withdrawal, and/or Restriction of Certification for Misconduct
- 37-074. Withdrawal and/or Restriction of Certification of Operators
- 37-075. Notification of Withdrawal and/or Restriction of Certification
- 37-076. Notification of Denial of Certification
- 37-077. Confidentiality of Notification

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed additions to the regulations will add several sections regarding notification of separation of 911 operators from employment, investigation of allegations of misconduct, denial, withdrawal, and/or restriction of certification of 911 certification for misconduct, and notification of any such denial, withdrawal, and/or restriction. These additions would make the 911 process comparable to the law enforcement officer process with the exception that the definition of misconduct will be more limited for 911 operators.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

- 38-064 This section deals with separation from employment.
- 37-071 This section is new and deals with reporting of events that may require denial, withdrawal, and/or restriction of operator certification.
- 37-072 This section is new and deals with investigation of allegations, suspensions, and notification.
- 37-073 This section is new and deals with denial, withdrawal, and restriction of operator certification for misconduct.
- 37-074 This section is new and deals with withdrawal and/or restriction of operator certification.

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37-075 This section is new and deals with notification of withdrawal and/or restriction of certification.

37-076 This section is new and deals with notification of denial of certification.

37-077 This section is new and deals with confidentiality of notifications.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

CJA anticipates a minimal fiscal impact as a result of these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to add several sections regarding notification of separation of 911 operators from employment, investigation of allegations of misconduct, denial, withdrawal, and/or restriction of certification of 911 certification for misconduct, and notification of any such denial, withdrawal, and/or restriction. These additions would make the 911 process comparable to the law enforcement officer process with the exception that the definition of misconduct will be more limited for 911 operators.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will add several sections regarding notification of separation of 911 operators from employment, investigation of allegations of misconduct, denial, withdrawal, and/or restriction of certification of 911 certification for misconduct, and notification of any such denial, withdrawal, and/or restriction. These additions would make the 911 process comparable to the law enforcement officer process with the exception that the definition of misconduct will be more limited for 911 operators.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having a more formal process for dealing with misconduct issues with operators.

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 these regulations are necessary to add several sections regarding notification of separation of 911 operators from employment, investigation of allegations of misconduct, denial, withdrawal, and/or restriction of certification of 911 certification for misconduct, and notification of any such denial, withdrawal, and/or restriction. These additions would make the 911 process comparable to the law enforcement officer process with the exception that the definition of misconduct will be more limited for 911 operators.

Text:

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

Document No. 4351
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-003. Requirement of Good Character

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Reg. 38-003 addresses law enforcement officer training and certification to the Council and Academy that a candidate is of good character and has not engaged in misconduct. The proposed changes to the regulations will address the Council having the final decision regarding a finding of whether a candidate for certification is of good character.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-003 The proposed change will make it clear that the Council has the final decision regarding a finding of whether a candidate for certification is of good character.

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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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no increase in cost due to this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this change is to make it clear that the Council has the final decision regarding a finding of whether a candidate for certification is of good character.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

Plan for Implementation: The proposed regulations 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:

The proposed changes to the regulation will ensure continuity with S.C. Code §23-23-80 and Administrative Law Court decisions.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated costs related to this change. The law enforcement community will benefit by having a decrease in litigation regarding this issue.

UNCERTAINTIES OF ESTIMATES:

Not applicable.

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 these regulations are necessary to ensure continuity with S.C. Code §23-23-80 and Administrative Law Court decisions.

Text:

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

Document No. 4370

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37**

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

37-063. Requirement of Good Character

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed addition to the regulation will require 911 operators to be persons of good character, which is consistent with S.C. Reg. 38-003 for law enforcement officers.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

37-063 This section is new and sets out the requirements for good character.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final

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proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no fiscal impact from this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to require 911 operators to be persons of good character, which is consistent with S.C. Reg. 38-003 for law enforcement officers.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will require 911 operators to be persons of good character, which is consistent with S.C. Reg. 38-003 for law enforcement officers.

DETERMINATION OF COSTS AND BENEFITS:

There is no fiscal impact from this change.

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 these regulations are necessary to require 911 operators to be persons of good character, which is consistent with S.C. Reg. 38-003 for law enforcement officers.

Text:

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

Document No. 4371

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

38-061. Minimum Requirements for E-911 Operator Enrollment in Training

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed changes to the regulation will clarify what must be provided to the Academy when enrolling candidates for training and/or certification.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-061 This section adds requirements for demonstrating a candidate for training is a person of good character.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is not fiscal impact as a result of these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to clarify what must be provided to the Academy when enrolling candidates for training and/or certification.

Legal Authority: 1976 Code Section 23-47-20(C)(15).

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Plan for Implementation: The proposed regulations 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:

The proposed regulations will clarify what must be provided to the Academy when enrolling candidates for training and/or certification.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having clarification as to what must be provided to the Academy when enrolling candidates for training and/or certification. Additionally, these changes will bring operators more in line with what is required for law enforcement officers.

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 these regulations are necessary to clarify what must be provided to the Academy when enrolling candidates for training and/or certification.

Text:

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

Document No. 4348

**SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38**

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-011. Traffic Radar Operator

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Reg. 38-011 currently only addresses radar training and does not address other forms of speed measurement device training. The proposed changes to the regulations will address other forms of speed measurement device training and operator certification.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-011 This section will change the words “traffic radar” to “speed measurement device” so that this training and certification may include many forms of speed measurement devices, including, but not limited to radar and lidar.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no anticipated increase in cost due to these changes, as CJA is already providing lidar training.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to include additional forms of speed measurement device training and operator certification.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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Plan for Implementation: The proposed regulations 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:

The proposed changes will allow for inclusion of additional forms of speed measurement device training and operator certification. Currently, only radar operators may be issued operator certification, although many law enforcement agencies use lidar instead of radar.

DETERMINATION OF COSTS AND BENEFITS:

The law enforcement community will benefit by having a recognized operator certification for lidar operators and for other forms of speed measurement.

UNCERTAINTIES OF ESTIMATES:

None known.

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 this regulation is necessary to allow for certification of lidar and other types of speed measurement device operators.

Text:

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

Document No. 4352
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

38-007. Training Requirements for Basic Law Enforcement Certification

Preamble:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. The proposed changes to the regulations will remove the word “jailers” from the regulation.

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-007 The proposed changes to this regulation will remove the word “jailers” from the regulation.

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There is no increase in cost due to this change.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this proposed change is to remove the word “jailers” from the regulation.

Legal Authority: 1976 Code Sections 23-23-10 et seq.

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

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

The proposed change will remove the word “jailers” from the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no change in cost or benefit due to this change.

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 purpose of this proposed change is to remove the word “jailers” from the regulation.

Text:

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

Document No. 4373
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 38
Statutory Authority: 1976 Code Section 23-47-20(C)(15)

38-062. Training Requirements for Certification

Preamble:

S.C. Code §23-47-20(C)(15) authorizes the Law Enforcement Training Council to make regulations necessary for the training of telecommunication operators or dispatchers. The proposed changes to the regulation will change the term “emergency services dispatcher” to “operator.”

Notice of Drafting for the proposed amendments was published in the *State Register* on January 25, 2013.

Section-by-Section Discussion

38-062 This section changes the term “emergency services dispatcher” to “operator.”

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 regulations at a public hearing to be conducted by the Law Enforcement Training Council and the South Carolina Criminal Justice Academy on April 24, 2013 to be held in the Clifford A. Moyer Conference Room, which is room 150 of the main administration building, at 5400 Broad River Road, Columbia, South Carolina 29212. The meeting will commence at 10:00 a.m. at which time the Academy will consider oral comments noted in an agenda to be published ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes 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 regulations by writing to Brandy A. Duncan, Chief General Counsel, South Carolina Criminal Justice Academy, 5400 Broad River Road, Columbia, South Carolina 29212. Written comments must be received no later than 5:00 p.m. on April 22, 2013. Written comments received will be considered by the staff in formulating the final proposed regulations for the public hearing on April 24, 2013, as noticed above. Written comments received by the deadline will be submitted to the Law Enforcement Training Council and the South Carolina Criminal Justice Academy in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no fiscal impact as a result of these changes.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of these proposed changes is to change the term “emergency services dispatcher” to “operator.”

Legal Authority: 1976 Code Section 23-47-20(C)(15).

Plan for Implementation: The proposed regulations 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:

The proposed regulations will change the term “emergency services dispatcher” to “operator.”

DETERMINATION OF COSTS AND BENEFITS:

There is no fiscal impact as a result of these changes.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

Statement of Rationale:

Revisions to these regulations are necessary to change the term “emergency services dispatcher” to “operator.”

Text:

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

Document No. 4343

STATE ELECTION COMMISSION

CHAPTER 45

Statutory Authority: 1976 Code Section 7-13-1655

45-1. Definitions

45-2. Responsibilities of State Election Commission

45-3. Responsibilities of County Boards of Registration and Elections or County Election Commissions

Preamble:

The State Election Commission proposes to delete Regulations 45-1 through 45-10, which contain numerous references to definitions, procedures and equipment no longer in use in South Carolina.

Section-by-Section Discussion

45-1. New Section: contains new definitions that describe the current terminology.

45-2. New Section: describes the responsibilities of the State Election Commission with regard to the execution of post election audits.

45-3. New Section: describes the responsibilities of the County Boards of Registration and Election or County Election Commissions with regard to the execution of post election audits.

A Notice of Drafting was published in *the State Register* on October 26, 2012.

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 conducted before the South Carolina Election Commission, 2221 Devine Street, Suite 103, Columbia, SC 29205 on May 15, 2013 at 11:00 AM. Written comments may be directed to Marci Andino, Executive Director, South Carolina State Election Commission, P.O. Box 5987, Columbia, SC 29250 no later than 5:00 PM April 26, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

The State Election Commission estimates that there will be no costs incurred by the State and its political subdivisions in complying with the proposed regulation.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness is determined by the agency based on an analysis enumerated in Section 1-23-110(A)(3)(g).

This amendment to the current regulations deletes definitions and procedures that apply to voting system technology no longer in use by the state of South Carolina. The amendment adds regulations needed to establish a framework to manage post election audits.

DESCRIPTION OF REGULATION:

Purpose: To amend regulations to remove those regulations containing references to definitions, procedures and equipment no longer in use in South Carolina.

Legal Authority: 1976 Code Section 7-13-1655.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and upon publication in the State Register. SEC will notify the county election commissions of the amended regulations and post the amended regulation on the agency's web site.

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

Deletion of the old regulations is needed because voting technology has changed since they were written and they refer to voting systems and procedures no longer in use in South Carolina. The addition of the new regulations is needed to establish a framework to manage post election audits.

DETERMINATION OF COSTS AND BENEFITS:

The incremental additional work involved in the post election audit process would be done by the SEC and county election staffs as part of their post election activities. Counties are already required to extract their audit data and the time required per county to execute the audit procedure ranges from five minutes for small elections to approximately an hour for large elections.

Performing these audits before an election is certified provides for a cross-check of the reported election results with the audit data from the voting system and enhances the accuracy of the certified results.

UNCERTAINTIES OF ESTIMATES:

The time estimates presented, assume there are no exceptions uncovered in the audit process. If exceptions are discovered, then corrective action must be taken by the election staff and the audit performed again until there are no exceptions reported.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There is no effect on the environment and public health from implementing these regulations.

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

There is no detrimental effect on the environment and public health from not implementing these regulations.

Statement of Rationale:

After the 2010 General Election, SEC developed a semi-automated audit process to enhance the accuracy of election results by cross-checking the tabulated results with the audit data extracted from the voting system. These regulations authorize the SEC to formalize and manage the post election audit process. The current regulations 45-1 through 45-10 contain numerous references to definitions, procedures and equipment no longer in use in South Carolina. This revision removes the outdated regulations and establishes regulations governing the audit process.

Text:

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

Document No. 4378

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45 and 23-36-80

Article 8. Office of State Fire Marshal

Preamble:

Regulations 71-8300.1 through 71-8305.8 must be amended and Regulations 71-8306.1 through Regulations 71-8312 are repealed in conformance with NFPA codes and standards.

Section-by-Section Discussion:

71-8300.1. General.

- A. No changes.
- B. No changes.
- C. 1.-3. No changes.
 - 4. a. Adds “unless amended by these or other state regulations” to the first exemption from applicability.
 - b. No changes.
- D. 1. No changes.
 - 2. Adds “or premise” after “building” and “structure”; deletes requirement for compliance with codes for new construction when certain conditions occur; deletes a. through c.
 - 3. Deletes in its entirety.
 - 4. Deletes in its entirety.
 - 5. Renumbers as new 3.; deletes “for new construction or be separated per the adopted IBC” at the end of the sentence.
 - 6. Deletes in its entirety.
- E. No changes.
- F. No changes.
- G. No changes.

- H. 1. No changes.
- 2. Deletes in its entirety.
- 3.-5. Renumbers as 2.-4.
- 5. Adds new definition of the International Code Council (ICC).
- 6.-13. No changes.

71-8300.2. Codes and Standards.

- A. Deletes first sentence; rewords second sentence and deletes IBC.
- B. Deletes in its entirety.
- C. Renumbers as B.; deletes reference to outdated edition of IFC; adds Title 6 Chapter 9 (Building Codes Council Practice Act); and adds “and premises” for consistency.
- D. Deletes in its entirety.
- E. Renumbers as C.; deletes reference to outdated edition of NFPA; adds reference to adopted ICC codes.
- F. Renumbers as D.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- 1.-8. Deletes outdated code editions.
- G. Renumbers as E.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- 1.-12. Deletes outdated code editions.
- H. Renumbers as F.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- I. Renumbers as G.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- J. Renumbers as H.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- K. Renumbers as I.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- L. Renumbers as J.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- M. Renumbers as K.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- N. Renumbers as L.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- O. Renumbers as M.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- P. Renumbers as N.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- Q. Renumbers as O.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- R. Renumbers as P.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- S. Renumbers as Q.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- T. Renumbers as R.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- U. Renumbers as S.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- V. Renumbers as T.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- W. Renumbers as U.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- X. Renumbers as V.; deletes minimum standards language and replaces with reference to adopted ICC codes.
- Y. Renumbers as W.; deletes minimum standards language and replaces with reference to adopted ICC codes.

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Z. Renumbers as X.; deletes minimum standards language and replaces with reference to adopted ICC codes.

AA. Renumbers as Y.; deletes minimum standards language and replaces with reference to adopted ICC codes.

BB. Renumbers as Z.; deletes minimum standards language and replaces with reference to adopted ICC codes.

CC. Renumbers as AA.; deletes minimum standards language and replaces with reference to adopted ICC codes.

DD. Renumbers as BB.

EE. Renumbers as CC.

71-8300.3. Alternate Materials and Alternate Methods of Construction.

No changes.

71-8300.4. Plans, Specifications and Incident Reporting.

A. Plans and Specifications.

1. Deletes "All" before "plans".

a. Corrects statute reference from 24-9-20 to 24-9-40.

b.-d. No changes.

2.-4. No changes.

B. 1. Deletes "monthly".

2. No changes.

71-8301.1. General.

No changes.

71-8301.2. Codes and Standards.

No changes.

71-8301.3. Requirements for Special Occupancies.

A. 1. No changes.

2. Deletes language and rewords for clarity.

3.-4. No changes.

B. No changes.

C. No changes.

D. 1.a.-k. No changes.

l. Updates Regulation reference.

m. No changes.

E. Changes "Care" to "Home" in subsection title.

1. Changes amount from six to five children; deletes Group R-3 occupancy.

a. Adds new requirement that the facility must be designed and intended for use as a dwelling per applicable statutes and regulations.

b. Renumbers former a.; rewords for clarity; adds installation locations for listed smoke alarms

c. Adds new requirement for power sources for listed smoke alarms.

d. Adds new requirement for interconnection of listed smoke alarms.

e. Renumbers former b.; rewords for clarity.

f. Renumbers former c.; rewords for clarity.

- g. Renumbers former d.; adds that all sleeping rooms below the 4th story shall have emergency escape and rescue openings that open from the inside.
- h. Renumbers former e.; rewords for clarity.
- i. Renumbers former f.
- j. Renumbers former g.
- k. Renumbers former h.; adds “escape” for clarity; deletes last phrase.
- l. Renumbers former i.; adds “escape” for clarity.
- m. Renumbers former j.
- n. Renumbers former k.; adds “escape” for clarity.
- o. Renumbers former l.
- p. Adds requirement for installation and maintenance of an approved carbon monoxide alarm.
- q. Adds requirement for operable doors for each sleeping room that close and latch to provide compartmentation that protects occupants in case of a fire event.
- r. Adds requirement for the safety of the dwelling.
- s. Adds requirement for legibility and visibility of the facility address numbers.

71-8302.1. General.

Adds Section 23-9-40(b) under Subarticle 3; no changes to text.

71-8302.2. Codes and Standards.

A. Deletes first sentence and last preposition phrase of the second sentence.

71-8302.3. Licensing and Permitting Fees.

A.-C. No changes.

D. Deletes types of fees listed after “application” as redundant.

E.-F. No changes.

71-8302.4. Licenses and Permits.

A. No changes.

B. 1.-4. No changes.

5. a. Adds National Crime Information Center (NCIC) before criminal background check.

b.-c. No changes.

6. a. No changes.

b. Changes SLED to National Crime Information Center (NCIC) before criminal background check.

c.-e. No changes.

C. 1.-5. No changes.

6. Deletes in its entirety.

71-8302.5. Records.

No changes.

71-8302.6. Blasting Safety and Operations.

A.-D. No changes.

E. States U.S. Bureau of Alcohol, Tobacco, and Firearms for clarity.

F.-H. No changes.

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71-8302.7. Explosives and Investigations.

No changes.

71-8302.8. Variances.

No changes.

71-8303.1. General.

No changes.

71-8303.2. Codes and Standards.

Deletes reference to NFPA standards.

71-8303.3. Fees for Licensing, Testing, and Inspections.

No changes.

71-8303.4. Licensing and Permitting Requirements.

A. No changes.

B. 1. -2. No changes.

3. Changes requirement from two photos per application to one.

4.-12. No changes.

C.-G. No changes.

H. Changes requirement from two photos per application to one.

71-8303.5. Renewal of Licenses and Permits.

No changes.

71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

No changes.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

No changes.

71-8303.8. Installation and Maintenance Procedures.

No changes.

71-8303.9. Minimum Equipment and Facility Requirements for Fire Equipment Dealer License.

No changes.

71-8303.10. Powers and Duties of the State Fire Marshal.

No changes.

71-8303.11. Fitness to Practice; Investigation of Complaints.

Corrects typographical error.

71-8303.12. Administrative Sanctions.

No changes.

71-8303.13. Sanctions for Unlawful Practice.

No changes.

71-8303.14. Certain Acts Prohibited.

No changes.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

No changes.

71-8303.16. Suspensions or Revocation of License or Permit.

No changes.

71-8303.17. Responsibility of Equipment Manufacturer.

No changes.

71-8303.18. Penalties.

No changes.

71-8304.1. General.

No changes.

71-8304.2. Codes and Standards.

No changes.

71-8304.3. Licensing and Permitting Fees.

No changes.

71-8304.4. Licensing Requirements.

No changes.

71-8305.1. General.

No changes.

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71-8305.2. Codes and Standards.

No changes.

71-8305.3. Licensing and Permitting Fees.

No changes.

71-8305.4. Qualifications of Operators.

No changes.

71-8305.5. Display Permits.

No changes.

71-8305.6. General Operational Requirements of Displays.

No changes.

71-8305.7. Use of Consumer Fireworks in South Carolina.

No changes.

71-8305.8. Transportation of Fireworks or Pyrotechnics in South Carolina.

No changes.

SUBARTICLE 7 (71-8306.1 through 71-8312)

Repeals subarticle in its entirety.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on April 26, 2013. Written comments may be directed to Shane Ray, State Fire Marshal, South Carolina Division of Fire and Life Safety, Department of Labor, Licensing, and Regulation, 141 Monticello Trail, Columbia, South Carolina 29203, or by email to Shane.Ray@llr.sc.gov, no later than 5:00 p.m., April 22, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the nationally recognized codes and standards governing fire safety professionals in accordance with S.C. Code Ann. §§23-9-60, 23-9-550(A)(2), 23-35-45, and 23-36-80. Reg. 71-8300.1 adds references to the IBC (International Building Code) and the ICC

(International Code Council) and clarifies language. Reg. 71-8300.2 deletes outdated code editions and adds reference to the Building Codes Council Practice Act, also in accordance with S.C. Code Ann. §§6-9-5, 6-9-50 and 6-9-110. Reg. 71-8300.4 corrects a typographical error, clarifies language, and deletes a monthly report requirement since reports are quarterly and annually as covered in S.C. Code Ann. §23-9-360. Reg. 71-8301.3 clarifies language about listed smoke alarms in accordance with S.C. Code Ann. §23-9-155, specifically that they “must be listed and meet the installation requirements of National Fire Protection Association Standard 72A and National Fire Protection Association Standard 74.” Reg. 71-8301.3 also provides for fire escapes in compliance with S.C. Code Ann. §23-9-40, and amends the number of children allowed in foster homes from six to five in accordance with Reg. 114-550D.(6) of the Department of Social Services and International Code Council standards. Regs. 71-8302.2 through 71-8302.4, 71-8302.6, 71-8303.2, and 71-8303.4 clarify language. Regs. 71-8306.1 through 71-8312 repeal outdated and duplicative provisions already covered by statute and in other parts of the regulations.

DESCRIPTION OF REGULATION:

Purpose: The Department is updating the regulations to conform to national codes and standards.

Legal Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45 and 23-36-80.

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

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

The proposed regulations will prevent conflict between existing regulations and national codes and standards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the department’s function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are updated in conformance with national adopted codes and standards.

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Text:

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

Document No. 4379

REAL ESTATE APPRAISERS BOARD

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3)

137-100 through 137-900.09. Real Estate Appraisers Board

Preamble:

To satisfy the requirements of licensure in the real estate appraisal, Regulations 137-100 through 137-900.09 must be updated in conformance with the Real Estate Appraisers Board Practice Act.

Section-by-Section Discussion:

137-100. Definitions.

No changes.

137-100.01. Appraisal Experience Point System.

Changes “shall” to “may”.

137-100.02. Qualifications.

(A) No changes.

(B) Changes “appraiser apprentice” to “apprentice appraiser”; numbers subsection and rewords for clarity; adds requirement for apprentice appraiser applicant to attend a trainee/supervisor orientation.

(C)(1) No changes.

(2) Adds new subsection from former (E)(2); changes “Certified General license” to “Licensed appraiser classification” and “Bachelors” to “Associate” throughout; changes “ageconomics” to “agricultural economics”.

(3) Renumbers (2); adds that two thousand hours of appraisal experience equate to 250 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) Renumbers (3).

(5) Renumbers (4); changes “five” to “two” years.

(D)(1) No changes.

(2) Changes “Associate” to “Bachelors” in the first sentence; deletes “Applicants for the Certified Residential license” in the first sentence; and deletes rest of the subsection.

(3) Adds that two thousand five hundred hours of appraisal experience equate to 312.5 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) No changes.

(5) No changes.

(E)(1) No changes.

(2) Deletes “Applicants for the Certified General license” in the first sentence; and deletes rest of the subsection.

(3) Adds that three thousand hours of appraisal experience equate to 375 experience points; changes “January 30, 1989” to “January 1, 1992”; and adds USPAP before “Standards” and deletes Standard numbers.

(4) No changes.

(5) No changes.

(F) No changes.

(G) No changes.

137-100.03. Residential Appraisal Categories.

No changes.

137-100.04. Residential Point Values.

No changes.

137-100.05. Nonresidential Point Values.

No changes.

137-100.06. Nonresidential Appraisal Categories.

No changes.

137-100.07. Other Appraisal Experience.

No changes.

137-200.01. Mass Appraisal Activity.

No changes.

137-200.02. Residential Mass Appraisals.

No changes.

137-200.03. Nonresidential Mass Appraisals.

(A) 1.-7. No changes.

8.-9. Adds “feet)” to complete the parenthetical phrase “square feet”.

(B) No changes.

137-200.04. Mass Appraisal Experience Verification.

No changes.

137-300.01. Responsibilities of an Apprentice Appraiser.

Changes “appraiser apprentice” to “apprentice appraiser” in the section title and throughout.

(A)(1) No changes.

(2) Adds new subsection regarding apprentice and supervisor training course.

(3) Renumbers (2); no changes.

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(4) Renumbers (3); adds that apprentice shall have access to all appraisals.

(5) Renumbers (4); no changes.

(6) Renumbers (5); no changes.

(7) Renumbers (6); adds that apprentice is eligible to take the examinations after completing the experience required for the licensed or certified appraiser classification.

137-300.02. Responsibilities of a Supervising Appraiser.

Changes “appraiser apprentice” to “apprentice appraiser” throughout.

(B)(1) Adds new subsection regarding apprentice and supervisor training course.

(2) Renumbers (1); no changes.

(3) Renumbers (2); adds “or allow access” after “copy”.

(4) Renumbers (3); no changes.

(5) Renumbers (4).

(6) Adds new subsection regarding that supervising appraiser must be certified for a minimum of 3 years prior to being eligible for becoming a supervisor.

(7) Renumbers (5); changes “two” to “three”.

137-400.01. Temporary Practice.

No changes.

137-500.01. Continuing Education.

(A) Changes “appraiser apprentice” to “apprentice appraiser”.

(B) No changes.

(C)(1)-(3) No changes.

(4) Changes “at least every two (2) years” to “prior to each renewal”.

(D) Adds second sentence; appraisers may use qualifying courses for continuing education credit if content is substantially different from previous qualifying courses.

(E) No changes.

(F) No changes.

(G) No changes.

Previous Section 137-600.01. Written Complaints.

Repeals in its entirety.

137-600.01. Member Request for Investigation.

Renumbers section title from 137-600.02 to 137-600.01; no changes to text.

137-600.02. Ex Parte Communications.

Renumbers section title from 137-600.03 to 137-600.02; no changes to text.

137-600.03. Disciplinary Actions.

Renumbers section title from 137-600.04 to 137-600.03.

(A) Changes “one” to “two” thousand dollars and adds “or a total fine not to exceed ten thousand dollars”.

(B)-(E) No changes.

137-700.01. Hearings.

No changes.

137-700.02. Role of Board Members.

No changes.

137-700.03. Failure to Appear.

No changes.

137-700.04. Expungement of Disciplinary Action.

New section; adds that licensee may petition the Board for expungement of a public reprimand.

137-800.01. Payment of Fees.

No changes.

137-800.02. Bad Checks.

No changes.

137-800.03. Biennial Fee Schedule.

Changes section title from “Annual Fee Schedule” to “Biennial Fee Schedule” and “appraiser apprentice” to “apprentice appraiser” throughout; adds numbers for clarity; deletes last two sentences about reinstatement as redundant.

- (1) Changes apprentice appraiser permit fee from 200.00 to 320.00.
- (2) Changes apprentice appraiser permit renewal fee from 200.00 to 320.00.
- (3) New fee; adds mass appraiser renewal fee of 320.00.
- (4) Adds “(per application)” after appraiser license/certification examination fee and lowers fee from 100.00 to 30.00.
- (5) Changes appraiser license/certification fee from 200.00 to 310.00.
- (6) Changes appraiser license/certification renewal fee from 200.00 to 310.00.
- (7) No changes.
- (8) No changes.
- (9) Adds “(per application)” after permit/license/certification replacement fee” and lowers fee from 25.00 to 10.00.
- (10) Adds “(per application)” after personal name change and lowers fee from 15.00 to 10.00.
- (11) Changes inactive status fee from 100.00 to 200.00.
- (12) Lowers reinstatement from inactive licensed or certified appraiser fee from 200.00 to 110.00.
- (13) Adds “(per request)” after attestation of license/certification and lowers fee from 20.00 to 5.00.
- (14) Adds “(per application)” after course approval (under 15 hours).
- (15) Adds “(per application)” after course approval (15 hours or more).
- (16) No changes.
- (17) No changes.
- (18) Adds “(per application)” after instructor approval.
- (19) No changes.
- (20) No changes.
- (21) Adds “(per request)” after appraisers roster and lowers fee from 20.00 to 10.00.
- (22) Adds “(per request)” after appraiser mailing labels and lowers fee from 50.00 to 10.00.
- (23) Adds “(per request)” after diskette of appraisers roster and lowers fee from 25.00 to 10.00.

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(24) Adds “(per application)” after change in appraiser classification.

(25) Adds “(per application)” after appraiser equivalent continuing education approval.

(26) Adds “(per occurrence)” and “(or amount specified by law; see Section 34-11-70)” after bad check charge and changes bad check charge from 20.00 to 30.00.

(27) Adds “(per application)” after temporary practice permit.

(28) Changes Federal Registry Transmittal fee from 25.00 to 80.00.

137-800.04. Permit, License and Certification Renewals.

No changes.

137-800.05. Expired Permit, License or Certificate.

No changes.

137-800.06. Disclosure of Appraiser Classification and Number.

No changes.

137-900.01. Educational Providers - Approval Required.

No changes.

137-900.02. Exemption from Regulation.

No changes.

137-900.03. Providers of Courses.

No changes.

137-900.04. Application for Provider Approval.

No changes.

137-900.05. Curriculum and Attendance.

(A) No changes.

(B) Changes “appraiser apprentice” to “apprentice appraiser”.

(C)-(M) No changes.

137-900.06. Provider, Instructor and Course Renewals.

No changes.

137-900.07. Enrollment Agreement Policies and Procedures.

No changes.

137-900.08. Other Operating Procedures.

No changes.

137-900.09. Instructors.

No changes.

The Notice of Drafting was published in the *State Register* on February 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on May 1, 2013. Written comments may be directed to Roderick Atkinson, Administrator, South Carolina Real Estate Appraisers Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., April 22, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Real Estate Appraisers Practice Act and in compliance with S.C. Code Ann. §40-60-10(I)(3). These regulations are edited to update the term “appraiser apprentice” as defined in S.C. Code Ann. §40-60-20(8) to “apprentice appraiser” throughout. Reg. 137-100.02 establishes qualifications for apprentice appraisers, licensed appraisers, certified residential real estate appraisers, and certified general real estate appraisers in accordance with S.C. Code Ann. §40-60-33. Reg. 137-300.01 and Reg. 137-300.02 add that apprentice appraisers and their supervisors are required to complete a course oriented toward requirements for supervisors and expectations for apprentices prior to apprentices obtaining an apprentice credential in compliance with S.C. Code Ann. §40-60-34(C), (D) and (E). Also, Reg. 137-300.02 adds that supervising appraisers must be certified for a minimum of three years prior to their eligibility as supervising appraisers. Reg. 137-500.01 updates the continuing education requirements in conformance with S.C. Code Ann. §40-60-35. Reg. 137-600.01 is repealed, since it is provided for in S.C. Code Ann. §§40-60-80 and 40-1-80. Reg. 137-600.03 amends the amount of the fine per occurrence or violation in accordance with S.C. Code Ann. §40-60-120(A). Reg. 137-700.04 adds the expungement of disciplinary actions per S.C. Code Ann. §40-1-120(E). Reg. 137-800.03 updates two fees by industry standards in accordance with S.C. Code Ann. §40-60-50(B) and (C).

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to conform to the practice act and to the Uniform Standards of Professional Appraisal Practice (USPAP).

Legal Authority: 1976 Code Sections 40-1-70 and 40-60-10(I)(3).

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

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

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

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DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

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

Statement of Rationale:

These regulations are amended in conformance with the current Real Estate Appraisers Board Practice Act.

Text:

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