

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.

2014 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	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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

DOC. NO.	RAT. FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
4350		Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy
4345		Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	5/13/15	South Carolina Criminal Justice Academy
4372		Certification	5/13/15	South Carolina Criminal Justice Academy
4466		Procedures for Contested Cases	5/13/15	Department of Health and Envir Control

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	Judiciary	Judiciary
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4466	Procedures for Contested Cases		

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 September 26, 2014 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 Donna C. Hill, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Construction of a new free standing ambulatory surgical facility at a total project cost of \$5,183,385.
Center for Advanced Surgery, LLC
North Charleston, South Carolina

Affecting Horry County

Renovation of an existing facility and the addition twenty (20) psychiatric bed for a total of twenty psychiatric beds located in its South Strand Medical Center at a total cost of \$6,552,816.
Grand Strand Regional Medical Center, LLC
Myrtle Beach, South Carolina

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 project applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than one hundred twenty (120) days, from September 26, 2014. "Affected persons" have thirty (30) days from the above date to submit requests for a public hearing to Robert B. (Sam) Phillips, Certificate of Need Program, 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 Aiken County

Addition to an existing facility to add sixty (60) nursing care beds for a total of one hundred and twenty (120) nursing care beds at a total project cost of \$7,324,519.00.
Faith Health & Rehab of Aiken, LLC d/b/a Anchor Health & Rehab of Aiken
Aiken, South Carolina

Affecting Beaufort County

Establishing a pediatric home health agency in Beaufort County at a total project cost of \$31,254.20.
Lowcountry Nursing Group, LLC d/b/a Interim HealthCare
North Charleston, South Carolina

Affecting Charleston County

Addition of two (2) substance abuse beds and two (2) psychiatric beds to an existing free-standing behavioral health facility for a total of twelve (12) substance abuse and seventy-two (72) psychiatric beds at a cost of \$20,602.50.
Palmetto Lowcountry Behavioral Health, LLC
Charleston, South Carolina

4 NOTICES

Renovation to add fourteen (14) rehabilitation beds to an existing general hospital for a total of sixty-six (66) rehabilitation beds at a total project cost of \$3,626,763.

Roper Hospital, Inc.
Charleston, South Carolina

Renovation to add fourteen (14) rehabilitation beds to an existing general hospital for a total of fourteen (14) rehabilitation beds at a total project cost of \$2,873,235.

Trident Medical Center, LLC
Charleston, South Carolina

Affecting Greenville County

Addition of one (1) psychiatric bed and six (6) substance abuse beds to an existing freestanding behavioral health facility for of total of thirty-eight (38) and six (6) substance abuse beds at a total project cost of \$15,000.

Chestnut Hill Mental Health Center, Inc, d/b/a Springbrook Behavioral Health System
Travelers Rest, South Carolina

Affecting Spartanburg County

Addition of a second fixed Magnetic Resonance Imaging (MRI) unit to an existing outpatient imaging facility at a total project cost of \$2,851,100.

Piedmont Imaging, Inc.
Spartanburg, South Carolina

Affecting York County

Addition of a first robot-assisted surgery (da Vinci Si Firefly Fluorescence System) to a general hospital at a total project cost of \$2,609,897.

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center
Rock Hill, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

SC Regulation 61-62.1, *Permit Requirements*, Section (II)(C)(3)(n) and Section (II)(H)(4)(i), requires that facilities requesting a construction permit or operating permit renewal submit an “air dispersion modeling analysis or **other information** (emphasis added) demonstrating that emissions from the facility, including those in the application, will not interfere with the attainment or maintenance of any ambient air quality standard.” The Department has developed a guidance document outlining the types of information that may be used as other information by facilities in satisfying the requirements for obtaining a permit. This guidance will be maintained by the Department and will be posted on the DHEC website at: <http://www.scdhec.gov/Environment/docs/other%20information%20guidance%209-8-14.pdf>.

If you have questions, please contact John Glass, Division of Emissions, Evaluation, and Support at (803) 898-4074.

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 October 27, 2014 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 company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Kemron Environmental Services, Inc.
Attn: John Dwyer
1359-A Ellsworth Industrial Blvd, NW
Atlanta, GA 30318

Rikard Enterprises, LLC.
Attn: Jeff Rikard
3079 Windmill Rd.
Leesville, SC 29070

Class II

Point to Point Environmental
Attn: Mark Faas
810 Jackson St.
Locust Grove, GA 30248

6 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation intends to adopt the latest edition of the following nationally recognized code as set forth herein below:

1. Safety Standards for Elevators and Escalators, (ASME) A17.1-2013/CSA B44-13, 2013 edition. This latest version of the code was originally published on October 21, 2013 and became effective on April 21, 2014, with the exceptions of Requirements 8.10.1.1.3 and 8.11.1.1, which became effective immediately.

Since publication in October of 2013, the following revisions and editorial changes were made. The Department intends to incorporate these changes as stated:

<u>Page</u>	<u>Location</u>	<u>Change</u>
vii-xii	ASME Foreword	Revised
xxi-xxii	ASME Preface	Revised
xxiv	CSA Preface	Revised
1	1.1.1	In subpara. (c), last sentence revised
2	1.1.4	Revised
	1.2.2	Title editorially revised
2, 5, 6-8, 10, 13-18	Section 1.3	(1) Definition of <i>accredited certifying organization</i> ; <i>accrediting body</i> ; <i>base, building</i> ; <i>control, mechanical-hydraulic</i> ; <i>conveyor, vertical reciprocating (VRC)</i> ; <i>driving machine, traction climbing</i> ; <i>elevator, outside emergency</i> ; <i>elevator discharge level</i> ; <i>elevator, wind turbine tower</i> ; <i>guide rope fixes</i> ; <i>guiding means, ladder</i> ; <i>hard, copy</i> ; <i>maintenance control program (MCP)</i> ; <i>maintenance interval</i> ; <i>maintenance procedure</i> ; <i>maintenance task</i> ; <i>Occupant Evacuation Operation</i> ; <i>operation, automatic call</i> ; <i>operation, automatic send</i> ; <i>pallet band</i> ; <i>platform, landing</i> ; <i>records, electronic</i> ; <i>seal, adjustment</i> ; <i>SIL rated</i> ; <i>step band</i> ; <i>sway control guide</i> , <i>sway control guide suspension means</i> ; <i>tail line</i> ; and <i>travel path</i> added.

2. The original promulgating authority for this code is:
The American Society of Mechanical Engineers (ASME)
22 Law Drive/Box 2300
Fairfield, New Jersey 07007-2300

3. This code is referenced by:
South Carolina Code of Laws, Sections 41-16-10 et seq., and specifically in South Carolina Code of Laws, Section 41-16-40(2).
Elevator Safety Regulations 71-5100(1.).

The Department of Labor, Licensing and Regulation specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Duane Scott by mail at 110 Centerview Drive, Columbia, SC 29210, by fax at 803-896-7650, or by email to duane.scott@llr.sc.gov.

If no comments are received within sixty (60) days of publication of this notice, the Department of Labor, Licensing and Regulation will promulgate this latest edition as stated without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2015 Edition of the International Building Code;
2015 Edition of the International Residential Code;
2015 Edition of the International Fire Code;
2015 Edition of the International Plumbing Code;
2015 Edition of the International Mechanical Code;
2015 Edition of the International Fuel Gas Code;
2014 Edition of the National Electrical Code.

Permissive codes include the:

2015 Edition of the International Property Maintenance Code;
2015 Edition of the International Existing Building Code;
2015 Edition of the International Swimming Pool and Spa Code
2015 Edition of the International Performance Code for Buildings and Facilities.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Roger K. Lowe, Council Administrator, at PO Box 11329, Columbia, SC 29211-1329, on or before April 1, 2015.

8 DRAFTING NOTICES

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 37-7-101 et seq.,
particularly Sections 37-7-112 and 37-7-121

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to amend R.28-700, Fees and Charges of Consumer Credit Counseling Organization Licensees. Interested parties are invited to present their views in writing to James Copeland, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than October 27, 2014, the close of the drafting comment period.

Synopsis:

R.28-700 was promulgated with an initial effective date of May 26, 2006 and amended on June 26, 2009. The purposes of the amendment include to add or clarify the fees that may be charged by consumer credit counseling licensees, add or clarify the requirements regarding continuing professional education, clarify applicability of provisions to services being offered and/or provided, and clarification of record keeping and reporting requirements. Comments may include, but are not limited to the preceding topics.

The regulation will require legislative review.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 40-58-10 et seq.,
particularly Section 40-58-100

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to amend R.28-400 addressing Licensing of Mortgage Brokers and Loan Originators. Interested parties are invited to present their views in writing to Kelly Rainsford, Director of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5 p.m. October 27, 2014, the close of the drafting comment period.

Synopsis:

The “Licensing of Mortgage Brokers Act” (Act) was heavily amended January 1, 2010, to be in compliance with the federal “Secure and Fair Enforcement for Mortgage Licensing Act of 2008” (SAFE Act). In 2011, the United States Department of Housing and Urban Development (HUD) promulgated rules pertaining to the SAFE Act (24 CFR Parts 30 and 3400). This regulation is being promulgated to comply with the HUD rules and to conform the regulation title and code sections cited to the revised Act. Further, state-specific items will be clarified, deleted or modified to meet the new statutory language and authority, including license and record-keeping requirements. Comments may include, but are not limited to the preceding topics.

The regulation will require legislative review.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
 Statutory Authority: 1976 Code Sections 32-7-10 et seq.,
 Particularly Sections 32-7-60(I), 32-7-95(E) and 32-7-110(A)

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to promulgate R.28-800 addressing Preneed Funeral Contracts and Providers. Interested parties are invited to present their views in writing to Kelly Rainsford, Director of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5 p.m. October 27, 2014, the close of the drafting comment period.

Synopsis:

The Legislature transferred the authority to administer the “Preneed Funeral Contracts” statute (Section 37-2-10) to the Department of Consumer Affairs in 2005, granting enforcement authority to the agency in 2009. The statute puts forth requirements for those persons offering and/or providing preneed funeral contracts in this State.

The purpose of the proposed regulation includes to clarify undefined terms of the statute define terms, such as “irrevocable contracts,” clarify who is able to modify or transfer a preneed funeral contract and who is entitled to excess funds when a guaranteed price contract is modified, the legality of converting trust funds into an insurance policy and financial responsibility requirements of preneed funeral contract providers will be addressed. Compensation guidelines for transfers occurring preneed or at-need will be provided. Comments may include, but are not limited to the preceding topics.

The regulation will require legislative review.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
 Statutory Authority: 1976 Code Sections 37-16-10 et seq.,
 particularly Section 37-16-90

Notice of Drafting:

The South Carolina Department of Consumer Affairs proposes to promulgate R.28-1100 addressing Prepaid Legal Services. Interested parties are invited to present their views in writing to Kelly H. Rainsford, Director of Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250. To be considered, comments must be received no later than 5 p.m. October 27, 2014, the close of the drafting comment period.

Synopsis:

The Legislature granted the authority to administer the Prepaid Legal Services statute to the Department of Consumer Affairs in 2000. The statute puts forth requirements for those persons offering prepaid legal services in this State. The proposed regulation will clarify undefined terms of the statute, address renewal requirements, and address any other items necessary to administer the statute.

The regulation will require legislative review.

10 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-150

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-15, Certification of Need for Health Facilities and Services. Interested persons are invited to submit written comments to Robert B. (Sam) Phillips, Division of Planning and Certification of Need, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at phillipb@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 27, 2014, the close of the drafting comment period.

Synopsis:

The Department proposes revisions to all sections of R.61-15, Certification of Need for Health Facilities and Services. The revisions will address issues including, but not limited to: definitions of competing applicants and total project cost; providing for consistency with statutory amendments; format and content of Certificate of Need applications; procedure for reviewing Certificate of Need applications; determinations of exemption and non-applicability; fees for Certificates of Need, exemptions, and non-applicability determinations; procedure for providing notice and opportunity to comment on the South Carolina Health Plan; findings of the Department; voidance and extensions of Certificates of Need; periodic reporting of implementation of Certificates of Need; changes to Certificate of Need projects; project review criteria; and requirements for requesting and granting a Certificate of Need. The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-13, *Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at thompsgw@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. October 27, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-13. This amendment pertains to provisions relating to governing authority and management, staff and training, reporting requirements, direct care services, emergency procedures/disaster preparedness, infection control and environment, dietary services, design and construction, fire protection and prevention, mechanical requirements, and requirements for licensure. The Department also intends to add language to incorporate current provider wide exceptions, memoranda and governing statutory authority that are applicable to nursing homes.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

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

Statutory Authority: 1976 Code Section 44-7-260

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-17, *Standards for Licensing Nursing Homes*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at thompsgw@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. October 27, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-17. This amendment pertains to provisions relating to licensing procedures, governing authority and management, staff and training, reporting requirements, professional care, functional safety, emergency procedures/disaster preparedness, infection control and environment, dietary services, design and construction, fire protection and prevention, mechanical requirements, and requirements for licensure. The Department also intends to add language to incorporate current provider wide exceptions, memoranda and governing statutory authority that are applicable to nursing homes.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ARCHITECTURAL EXAMINERS**

CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-3-50, and 40-3-60

Notice of Drafting:

The South Carolina Board of Architectural Examiners proposes to repeal Regulation 11-5 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to Lenora Addison-Miles, Administrator, Board of Architectural Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11419, Columbia, S.C. 29211-1419.

12 DRAFTING NOTICES

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Architectural Examiners, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Architectural Examiners now proposes to amend Regulation 11-5 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-81-40, and 40-81-70

Notice of Drafting:

The South Carolina State Athletic Commission proposes to amend Regulations Chapter 20 related to professional boxing, wrestling, kick boxing, and off the street boxing, and mixed martial arts to satisfy the requirements of licensure. Interested persons may submit comments to the administrator for the commission, Roderick Atkinson, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the State Athletic Commission, proposes amend Regulations Chapter 20 related to professional boxing, wrestling, kick boxing, and off the street boxing, and mixed martial arts to satisfy the requirements of licensure.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-81-40, and 40-81-70

Notice of Drafting:

The South Carolina State Athletic Commission proposes to amend Regulations 20-4.10, 20-23.11, 20-24.10 and 20-27.23 to remove the Commission's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Commission's website where the fees will also appear. Interested persons may submit comments to the administrator for the commission, Roderick Atkinson, State Athletic Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the State Athletic Commission, proposes to repeal the aforementioned regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location

for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina State Athletic Commission now proposes to amend Regulations 20-4.10, 20-23.11, 20-24.10 and 20-27.23 to remove the existing schedules of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, and 40-7-60

Notice of Drafting:

The South Carolina Board of Barber Examiners proposes to amend and update its regulations. Interested persons may submit comments to the administrator for the commission, Theresa Richardson, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Barber Examiners proposes to amend and update its regulations. South Carolina Code §40-7-60 permits the Board to promulgate regulations necessary to carry out the provisions of the practice act, including but not limited to regulations for sanitary management of barber shops and barber schools.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8**

Statutory Authority: 1976 Code Sections 6-8-20 and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Regulations 8-115, 8-601, 8-602, 8-604, 8-607, and 8-613 generally and to update the regulations to comport with Act 179 from the 2013-2014 legislative session. Interested persons may submit comments to the administrator for the Council, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend its regulations: to divide the definition of "Plans Examiner" into two categories, residential and commercial; to add "fire resistant penetrations and joint systems" as a type of construction or operation for which a special inspector applicant may be certified; as to the applicability of the regulations to buildings erected in the state, to strike language stating they are applicable regardless of whether or not building codes are adopted and administered in the areas where erection takes place; to add a definition of "Approved Inspection Agency", revise the authority of the approved inspection agency to require it to perform final plan review and approval, inspection and certification of a single family residential modular building, and add that an approved inspection agency shall perform plan approval, inspection, and certification of commercial or multifamily modular buildings; regarding the adoption of model codes, to strike language requiring the design and installation of thermal performance standards for modular buildings to comply with the state's Energy Standard Act and replace it with a mandate to comply with the most recent edition of the International Energy Conservation Code; and to specify when plan approval referenced in the regulation relates to "required" plan approval.

14 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY

CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to amend Regulations 39-1, 39-2, 39-3, and 39-18 to remove the Board's fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Kate K. Cox, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Dentistry, proposes to amend the aforementioned regulations to remove fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Dentistry now proposes to amend Regulations 39-1, 39-2, 39-3 and 39-18 to remove the existing fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS

CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-22-50, and 40-22-60

Notice of Drafting:

The South Carolina Board of Registration for Professional Engineers and Surveyors proposes to amend Regulation 49-103 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Lenora Addison-Miles, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Registration for Professional Engineers and Surveyors, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of the Board of Registration for Professional Engineers and Surveyors now proposes to amend Regulation 49-103 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
ENVIRONMENTAL CERTIFICATION BOARD
CHAPTER 51**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-23-60

Notice of Drafting:

The South Carolina Environmental Certification Board proposes to amend Regulation 51-6 to remove the fee stated therein, cross-reference the fee schedule in its new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Environmental Certification Board, proposes to repeal Reg. 51-6. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Environmental Certification Board now proposes to repeal Regulation 51-6 to remove the stated fee, cross-reference the fee schedule in its new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF FUNERAL SERVICE
CHAPTER 131**

Statutory Authority: 1976 Code Sections 40-1-70, 40-19-50, and 40-19-60

Notice of Drafting:

The South Carolina Board of Funeral Service proposes to amend Regulation 57-12 to update the schedule of fees approved by the General Assembly during the 2013-2014 legislative session. Interested persons may submit comments to the administrator for the Board, Doris Cubitt, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Funeral Service, proposes to update the schedule of fees appearing in the Board's regulation. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Funeral Service voted to have their fee schedules included in Chapter 10 and to have their fee schedules remain in Regulation 57. The Board now seeks to update the existing schedule of fees to reflect the amounts approved by the General Assembly during the 2013-2014 legislative session.

16 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR GEOLOGISTS
CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-77-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Regulation 10-18 to correct a scrivener's error. Specifically, the application fee for a Professional Geologist should be \$200, not \$400, as currently stated. Interested persons may submit comments to Board Administrator Molly Price, Board of Registration for Geologists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation proposes to correct Regulation 10-18(A)(2) changing the application fee for a Professional Geologist from \$400 to \$200 to correct a scrivener's error.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR GEOLOGISTS
CHAPTER 131

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-77-50, and 40-77-60

Notice of Drafting:

The South Carolina Board of Registration for Geologists proposes to amend Regulation 131-13 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Molly Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Registration for Geologists, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Registration for Geologists now proposes to amend Regulation 131-13 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR GEOLOGISTS**

CHAPTER 131

Statutory Authority: 1976 Code Section 40-77-290

Notice of Drafting:

The South Carolina Board of Registration for Geologists proposes to amend Regulation 131-11 to permit the use of electronic signatures and seals. Interested persons may submit comments to Board Administrator Molly Price, Board of Registration for Geologists, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Registration for Geologists proposes to amend Regulation 131-11 to permit the use of electronic signatures and seals. The seal will be permitted in lieu of an original seal and signature when certain criteria and requirements are met: (1) it is a unique identification of the professional; (2) it is verifiable; (3) it is under the professional's direct and sole control; (4) it is linked to a document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document and (5) changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature; (6) once applied, the document shall be available in a view only format if the document is to be electronically transmitted; (7) the graphic image shall be readily available and produced in a manner consistent with Reg. 131-11.A and shall contain the same words and shall have substantially the same graphic appearance and size as required when the image of the electronically transmitted document is viewed at the same time as the document in its original form; (8) the graphic display of the seal shall be in compliance with state law; and (9) the electronic seal and signature must be acceptable to the receiving entity.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS**

CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-35-50, and 40-35-60

Notice of Drafting:

The Board of Long Term Health Care Administrators proposes to amend its regulations to comport with Act 271, which passed during the 2013-2014 session. Interested persons may submit comments to the administrator for the Board, Lee Ann Bundrick, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The Board of Long Term Health Care Administrators proposes to amend regulations to comport with Act 271, which passed during the 2013-2014 session. Act 271 updated the definitions of practical experience in nursing home administration, related health care administration, community residential care facility administrator work experience, and work experience in a health related field other than in a community residential care facility. The Act also modified the licensure requirements for nursing home administrators and community residential facility administrators.

18 DRAFTING NOTICES

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-35-50, and 40-35-60

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend Regulation 93-100 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Lee Ann Bundrick, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Long Term Health Care Administrators, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Long Term Health Care Administrators now proposes to amend Regulation 93-100 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
MANUFACTURED HOUSING BOARD
CHAPTER 79**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-29-10

Notice of Drafting:

The South Carolina Manufactured Housing Board proposes to amend Regulation 79-26 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Roger Lowe, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Manufactured Housing Board, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Manufactured Housing Board now proposes to amend Regulation 79-26 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-47-50

Notice of Drafting:

The South Carolina Board of Medical Examiners proposes to repeal Regulation 81-300 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Sheridan Spoon, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, S.C. 29211-1289.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Medical Examiners, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Medical Examiners now proposes to repeal Regulation 81-300 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
CHAPTER 91**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-50

Notice of Drafting:

The South Carolina Board of Nursing proposes to repeal Regulation 91-31 to remove the Board's schedule of fees from regulation. Interested persons may submit comments to the administrator for the Board, Nancy Murphy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Nursing, proposes to repeal the aforementioned regulation to remove the schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Nursing now proposes to repeal Regulation 91-31 to remove the existing schedule of fees so that nursing fees appear in Chapter 10 only.

20 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN OPTICIANRY

CHAPTER 96

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-38-60, and 40-38-260

Notice of Drafting:

The South Carolina Board of Examiners in Opticianry proposes to repeal Regulation 96-109 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Angela Combs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Examiners in Opticianry, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Examiners in Opticianry now proposes to amend Regulation 96-109 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF PHYSICAL THERAPY EXAMINERS

CHAPTER 101

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-45-50, and 40-45-60

Notice of Drafting:

The South Carolina Board of Physical Therapy Examiners proposes to amend Regulation 101-8 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Veronica Reynolds, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Physical Therapy Examiners, proposes to amend the aforementioned regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Physical Therapy Examiners now proposes to amend Regulation 101-8 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PODIATRY EXAMINERS**

CHAPTER 134

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-51-40, and 40-51-60

Notice of Drafting:

The South Carolina Board of Podiatry Examiners proposes to repeal Regulations 134-20 and 134-40 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to Board administrator, Sheridan Spoon, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, S.C. 29211-1289.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Podiatry Examiners, proposes to repeal the aforementioned regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Podiatry Examiners now proposes to repeal Regulations 134-20 and 134-40 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS,
MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-75-60

Notice of Drafting:

The South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists proposes to repeal Regulation 36-15 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Patricia Glenn, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists now proposes to repeal Regulation 36-15 so as to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

22 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF EXAMINERS IN PSYCHOLOGY

CHAPTER 100

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-55-40

Notice of Drafting:

The South Carolina Board of Examiners in Psychology proposes to repeal Regulation 100-7 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Patricia Glenn, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Examiners in Psychology, proposes to repeal the aforementioned regulation to the extent it contains a schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Examiners in Psychology now proposes to repeal Regulation 100-7 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

DEPARTMENT OF LABOR, LICENSING AND REGULATION REAL ESTATE APPRAISERS BOARD

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-60-10(I)(3)

Notice of Drafting:

The South Carolina Real Estate Appraisers Board proposes to repeal Regulation 137-800.03 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Roderick Atkinson, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Real Estate Appraisers Board, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Real Estate Appraisers Board now proposes to repeal Regulation 137-800.03 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE COMMISSION**

CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-57-60, and 40-57-70

Notice of Drafting:

The South Carolina Real Estate Commission proposes to repeal Regulation 105-13 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Commission, Roderick Atkinson, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Real Estate Commission, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Real Estate Commission now proposes to repeal Regulation 105-13 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Commission's website where the fees will also appear.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION**

CHAPTER 106

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-59-70, and 40-59-610

Notice of Drafting:

The South Carolina Residential Builders Commission proposes to repeal Regulation 106-3 to remove the Commission's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Commission, Janet Baumberger, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Residential Builders Commission, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Residential Builders Commission now proposes to repeal Regulation 106-3 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

24 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOIL CLASSIFIERS ADVISORY COUNCIL

CHAPTER 108

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-65-60

Notice of Drafting:

The South Carolina Soil Classifiers Advisory Council, by and through the South Carolina Department of Labor, Licensing and Regulation, proposes to repeal Regulation 108-7 to remove the Council's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Council, Lenora Addison-Miles, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50, proposes to repeal the corresponding regulations to the extent they contain schedules of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Soil Classifiers Advisory Council, by and through the South Carolina Department of Labor, Licensing and Regulation, now proposes to repeal Regulation 108-7 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-69-50 and 40-69-60

Notice of Drafting:

The South Carolina Board of Veterinary Medical Examiners proposes to repeal Regulation 120-14 to remove the Board's schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear. Interested persons may submit comments to the administrator for the Board, Kate k. Cox, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, in conformance with South Carolina Code Ann. §40-1-50 and with authority delegated by the Board of Veterinary Medical Examiners, proposes to repeal the aforementioned regulation to the extent it contains a schedule of fees. During the 2013-2014 legislative session, the Department promulgated regulations in the newly-created Chapter 10 to provide a central location for the schedules of fees for all boards and commissions that voted to be included in the chapter. The South Carolina Board of Veterinary Medical Examiners now proposes to repeal Regulation 120-14 to remove the existing schedule of fees, cross-reference the fees in their new location in Chapter 10, and include in the regulation a link to the Board's website where the fees will also appear.

Document No. 4479

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-425 (2013), 59-5-60 (2004), 59-50-10 et seq. (Supp. 2013), and 20 U.S.C. 6301 et seq. (2002)

43-205. Administrative and Professional Personnel Qualifications, Duties, and Workloads

Preamble:

Regulation 43-205 defines the qualifications of administrative and professional personnel for the district and school level. The regulation also describes the duties, as well as the workloads of the personnel of the school-level personnel.

The amendment adjusts the minutes per week a secondary teacher is permitted to teach enabling districts with seven-period days to be within the requisite regulations and state statutes.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion

Section IV(B)3(b) amends language which prohibits teachers from instructing more than 1,500 minutes per week. The section is modified to permit instruction up to 1,560 minutes per week. The amendment is especially beneficial for teachers in schools currently operating with a seven-period day and requires teachers to instruct six of those periods.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 12, 2014, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov on or before 5:00 p.m. on October 27, 2014.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-205.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads.

Purpose: The regulation clarifies the qualifications, duties, and workloads for administrative and professional personnel in public schools in the state. The amendment adjusts the minutes per week a secondary teacher is permitted to teach enabling districts with seven-period days to be within the requisite regulations and state statutes.

26 PROPOSED REGULATIONS

Legal Authority: 1976 Code Sections 59-5-60 (2004); 59-50-10 (Supp. 2013); and 20 U.S.C. 6301 (2002) et seq.

Plan for Implementation: The proposed amendments will be incorporated within 43-205 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-50-10 (Supp. 2012), and 20 U.S.C. 6301 (2002) et seq., each school district board of trustees must ensure that personnel is properly hired. The purpose of the proposed change is ensure compliance of the regulation by aiding the districts which utilize teachers to instruct six periods of a seven-period day.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

Regulation 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads, defines the qualifications, duties, and workloads of administrative and professional personnel for the districts and the schools. The amendment adjusts language which prohibits teachers from instructing more than 1,500 minutes per week and permits instruction up to 1,560 minutes per week.

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. 4476
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2013), and 20 U.S.C. 6301 et seq. (2002)

43-232. Defined Program 6–8

Preamble:

Regulation 43-232 establishes that each school district board of trustees shall ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. When approved by the principal and the parents, a student promoted to the seventh or eighth grade may take units of ninth grade or higher work for school credit.

The amendment will narrow the language to ensure high school credit given in the middle school level must be high school–level courses that have been approved by the South Carolina Department of Education.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion

- | | |
|--------------|---|
| Section I(A) | Numbering of footnotes have been changed. |
| Section I(B) | Has language which refers to high school credit given in the middle school. The amendment will define the type of courses that may be used to grant credit for students in seventh and eighth grades. |
| Section IV | Footnote citation has been modified. |

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 12, 2014, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov on or before 5:00 p.m. on October 27, 2014.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-232.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-232, Defined Program 6–8.

Purpose: The regulation clarifies for public schools in the state the requirements for programs with grades six, seven, and eight. The amendment is to clarify the courses in the *Activity Coding System for the Student Information System* that may be used to grant credit to seventh- and eighth-grade students.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2013), and 20 U.S.C. 6301 et seq. (2002).

Plan for Implementation: The proposed amendments will be incorporated within 43-232 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2013), and 20 U.S.C. 6301 et seq. (2002), the State Board of Education must prescribe and enforce courses of study for the free public schools. The purpose of the proposed change is to clarify the courses in the *Activity Coding System for the Student Information System* that may be used to grant credit to seventh and eighth grade students.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

Regulation 43-232 establishes that each school district board of trustees shall ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. When approved by the principal and the parents, a student promoted to the seventh or eighth grade may take units of ninth grade or higher work for school credit.

The regulation clarifies for public schools in the state the requirements for programs with grades six, seven, and eight. The amendment is to clarify the courses in the *Activity Coding System for the Student Information System* that may be used to grant credit to seventh- and eighth-grade students.

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. 4477

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2013), 59-18-310(B) (to be codified at Supp. 2014), 59-29-10 et seq. (2004 and Supp. 2013), 59-33-30 (2004), 59-53-1810 (Supp. 2013), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002)

43-234. Defined Program, Grades 9–12 and Graduation Requirements

Preamble:

Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. The regulation also defines the graduation requirements for the state.

An amendment will remove the language referring to the exit examination as required for high school graduation. Another amendment will delete the recommended course section due to ever-changing recommendations.

Notice of Drafting for the proposed amended regulation was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion

Section I(E) Deletes language referring to the exit examination

Section V(A) Deletes the entire section regarding recommended courses due to ever-changing recommendations of courses

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 12, 2014, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <http://ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov on or before 5:00 p.m. on October 27, 2014.

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Preliminary Fiscal Impact Statement:

No additional state funding is requested. The SCDE estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-234.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-234, Defined Program, Grades 9–12 and Graduation Requirements.

Purpose: Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. The regulation also defines the graduation requirements for the state.

An amendment will remove the language referring to the exit examination as required for high school graduation. Another amendment will delete the recommended course section due to ever-changing recommendations.

Legal Authority: 1976 Code 59-5-60 (2004), 59-18-110 (Supp. 2013), 59-18-310(B) (to be codified at Supp. 2014), 59-29-10 et seq. (2004 and Supp. 2013), 59-33-30 (2004), 59-53-1810 (Supp. 2013), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002).

Plan for Implementation: The proposed amendments will be incorporated within 43-234 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2013), 59-18-310(B) (to be codified at Supp. 2014), 59-29-10 et seq. (2004 and Supp. 2013), 59-33-30 (2004), 59-53-1810 (Supp. 2013), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002), the State Board of Education shall adopt policies, rules, and regulations not inconsistent with the laws of the State for its own government and for the government of free public schools. The purpose of the proposed change is to ensure compliance of the regulation by eliminating language referring to the exit exam. Another amendment will delete the recommended course section due to ever-changing recommendations of course selection.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. An amendment will remove the language referring to the exit examination as required for high school graduation. Another amendment will delete the recommended course section due to ever-changing recommendations.

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. 4478
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-26-10 et seq. (2004 and Supp. 2013), and 20 U.S.C. 6301 et seq. (2001)

43-62. Requirements for Additional Areas of Certification

Preamble:

State Board of Education Regulation 43-62 governs the requirements for add-on certification for educators in South Carolina. Amendments to Regulation 43-62 will (1) clearly define the terms add-on certification and endorsement and (2) remove specific requirements for add-on areas and endorsements from the regulation. The specific requirements for add-on areas and endorsements will then be promulgated in guidelines to be approved by the State Board of Education. These changes allow the Board to continue to provide appropriately qualified educators for South Carolina public schools and to address needed changes in educator training and preparation more readily.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion

- | | |
|--------------|--|
| Section I(A) | Adds language to define a content area add-on certification.
Adds statement indicating that specific content area add-on certification requirements will be contained in guidelines to be approved by the State Board of Education. |
| Section I(B) | Adds definition of specialized endorsements and indicates specific requirements for these endorsements will be contained in guidelines to be approved by the State Board of Education. |
| Section I(C) | Changes B to C. |

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- Section I(D) Changes C to D.
Strikes “all categories” and adds the exception for Early Childhood Special Education to indicate this certification of Special Education is not pre-K–12.
Corrects error in placement of parentheses.
- Section I(E) Changes D to E.
- Section I(F) Changes E to F.
Replaces four with five.
Changes wording from regular program to content area.
Adds specialized endorsements and specialized alternative certification to reflect actual text of the regulation.
- Section II Changes wording from regular program to content area.
- Section II(A) Adds definition of add-on certification.
Adds common prerequisites for all content area add-ons.
- Section II(B) Adds the word content.
Adds text indicating specific requirements will be found in guidelines.
- Sections II(B)(1–16) Changes lettered items A–Q to 1–16.
Deletes add-on area of Literacy per Read to Succeed Act which includes Literacy as a specialized endorsement.
Deletes all specific requirements for each content area add-on from the regulation.
- Section III(A) Adds definition of add-on certification.
Adds common prerequisites for all content area add-ons.
- Section III(B) Adds text to indicate areas of special education.
Adds text indicating specific requirements will be found in guidelines.
- Section III(B)(1–9) Changes lettered items A–I to 1–9.
Deletes all specific requirements for each special education content area add-on from the regulation.
- Section III(B)(1) Adds age level designation to Early Childhood Special Education.
- Section III(B)(6) Changes wording from Mental to Intellectual to reflect changing norm.
- Section III(B)(9) Adds text to indicate that requirements for the Speech Language Therapist add-on are found in Regulation 43-64.
- Section IV(A) Adds definition of Career and Technology add-on certification.
Adds common prerequisites for all content area add-ons.
- Section IV(B) Adds text indicating specific requirements will be found in guidelines.
- Section IV(B)(1–5) Changes lettered items A–E to 1–5.
Deletes all specific requirements for each CATE add-on from the regulation.
- Section IV(B)(3) Adds language to distinguish Computer Programming referenced here from the academic certification area.
- Section V(A) Adds definition of specialized endorsement.
Indicates specific requirements will be found in guidelines.
- Section V(B) Adds wording specialized endorsements.
Deletes Adjunct Instructor, Fine Arts, and Montessori from this section of the regulation since these areas are not endorsements. These areas are specialized alternative certification routes and are moved to a new Section VI.
- Section V(B)(1) Changes D to 1.
- Section V(B)(2) Changes E to 2.
- Section V(B)(3) Adds current endorsement area Advanced Placement.
- Section V(B)(4) Adds current endorsement area Gifted and Talented.
- Section V(B)(5) Adds endorsement for Literacy Teacher per Read to Succeed Act (previously an add-on content area).
- Section V(B)(6) Adds endorsement for Literacy Coach per Read to Succeed Act (previously an add-on content area).

- Section V(B)(7) Adds endorsement for Literacy Specialist per Read to Succeed Act (previously an add-on content area).
- Section V(B)(8) Adds new endorsement Secondary Transition Specialist.
- Section V(B)(9) Adds new endorsement Project Based Learning.
- Section V(B)(10) Adds new endorsement Teacher Leader.
- Section V(B)(11) Adds new endorsement Computer Science.
- Section V(B) Deletes specific requirements for specialized endorsements from the regulation.
- Section VI New section to correctly identify Adjunct Instructor, Advanced Fine Arts, and Montessori as specialized alternative certification options, not as specialized endorsements.
- Section VI(A) Adds Requirements for Adjunct Instructor certificate (previously in Section V).
- Section VI(B) Adds term Advanced to Fine Arts to reflect actual certification title.
Adds Requirements for Advanced Fine Arts certificate (previously in Section V).
- Section VI(C) Adds Requirements for Montessori certificate (previously found in Section V).

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 12, 2014, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments will be posted on the State Board of Education Web site for review and comment. To review the regulation click on the attached link <http://www.ed.sc.gov/agency/stateboard/documents/RegReviewedbySBE14-15.pdf>.

Written comments should be submitted to Dr. Cindy Van Buren, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to cvburen@ed.sc.gov on or before 5:00 p.m. on October 27, 2014.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-62, Requirements for Additional Areas of Certification.

Purpose: Regulation 43-62, Requirements for Additional Areas of Certification, is being amended.

Legal Authority: 1976 Code Sections 59-5-60(1) (2004), 59-26-10 et seq. (2004 and Supp.2013), and 20 U.S.C. 6301 et seq. (2001).

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education’s Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendments to this regulation are needed to provide clear definitions of content area add-on certification and specialized endorsements; to change current literacy content area add-ons to specialized endorsements in alignment with the Read to Succeed Act; to include current endorsements in Gifted and Talented and Advanced Placement; to create optional endorsements in Secondary Transition Specialist, Project Based Learning, Teacher Leader, and Computer Science; and to remove the specific requirements for content area add-on certifications and specialized endorsements from the regulation so that these requirements may be promulgated in guidelines to be approved by the State Board of Education. These changes allow the State

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Board of Education to continue to provide appropriately qualified educators for South Carolina public schools and to address needed changes in educator training and preparation more readily.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The amendments to this regulation will provide clear definitions of content area add-on certification and specialized endorsements and will allow the State Board of Education to continue to provide appropriately qualified educators for South Carolina public schools and to address needed changes in educator training and preparation more readily.

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. 4474
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Section 41-29-110

47-23. Offers of Work

Preamble:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-23 to provide guidance on what is considered available suitable work. The Notice of Drafting regarding this regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

47-23. This regulation is being amended to provide guidance on what is considered available suitable work.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Jean Cecil Frick, Director of Governmental Affairs and Special Projects, South Carolina Department of Employment and Workforce, P.O. Box 995, Columbia, South Carolina 29202 or by emailing RegulationComments@dew.sc.gov. To be considered, comments must be received no later than November 12, 2014 at 5:00 p.m.

A public hearing is scheduled for November 13, 2014, at 2:00 p.m., at the Administrative Law Court in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.
To review the regulation, visit the Department's website at: <http://dew.sc.gov/UIRegulation>.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-23, Offers of Work.

Purpose: The purpose of amending 47-23 is to provide guidance as to what the Department considers when examining prior earnings and length of unemployment, as listed in South Carolina Code Section 41-35-120(5) and determining what is available suitable work.

Legal Authority: South Carolina Code Annotated Section 41-29-110.

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 purpose of this amendment is to provide the public with guidance as to what the Department considers when looking at prior earnings and length of employment in the Department's determination as to whether an offer of work is available suitable work. The regulation will provide guidance to claimants as to what the Department considers available suitable work in consideration of the claimant's prior earnings and the length of unemployment.

DETERMINATION OF COSTS AND BENEFITS:

There will be no change in costs to the Department. The benefit of this proposed regulation is guidance and understanding for the public, particularly unemployment insurance claimants that have been unemployed for an extended period of time.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

The regulation will have no detrimental effect on the environment of public health if the regulation is not implemented.

Statement of Rationale:

Claimants do not have a regulation or a statute to guide them in determining how the wage in an offer of work would be considered when determining whether the position is available suitable work and if their refusal to accept would be considered a disqualification. The purpose of amending Regulation 47-23 is to provide guidance as to how the Department considers prior earnings and length of unemployment as listed in the requirements of South Carolina Code Section 41-35-120(5)(b).

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. 4475

DEPARTMENT OF EMPLOYMENT AND WORKFORCE

CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110 and 41-31-45(C)

47-500. Definitions

47-501. Unemployment Trust Fund Solvency

Preamble:

The South Carolina Department of Employment and Workforce proposes to add regulations 47-500 and 47-501 in Article 5. Unemployment Trust Fund, as required by SC Code Ann. 41-31-45(C), to define how the Department will determine the income necessary to be raised each year to return the trust fund to an adequate level as defined in SC Code Ann. 41-31-45(A)(5).

Notice of Drafting for the proposed regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

47-500. Definitions.

This section provides definitions for terms used in the following section.

47-501. Unemployment Trust Fund Solvency.

This section provides details on how the income necessary to be raised each year to set state unemployment insurance tax rates will be determined based on economic conditions.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Jean Cecil Frick, Director of Governmental Affairs and Special Projects, 1550 Gadsden St. Columbia, SC 29201 or by email to RegulationComments@dew.sc.gov on or before 5:00 p.m. on November 12, 2014.

A public hearing is scheduled for November 13, 2014 at 10:00 a.m., at the Administrative Law Court in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

To review the regulation, visit the Department's website at: <http://dew.sc.gov/UIRegulation>.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The South Carolina Department of Employment and Workforce estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed Regulation 47-500 and 47-501.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 47-500, Definitions and 47-501, Unemployment Trust Fund Solvency.

Purpose: Regulation 47-500 provides definitions for the terms used in Regulation 47-501 to provide a clearer understanding for all stakeholders of how the Department determines the income necessary to set unemployment tax rates each year to return the trust fund to an adequate level, once the unemployment insurance trust fund has returned to solvency. The definition section limits ambiguity by defining terms.

Regulation 47-501 outlines how the Department determines the income necessary to pay benefits and return the trust fund to an adequate level, as defined by S.C. Code Ann. Section 41-31-45(A)(5) and S.C. Code Section 41-31-45(C), and in what time period, once the unemployment insurance trust returns to solvency, as directed in S.C. Code Ann. Section 41-31-45(C). The Regulation provides for limitations on the increases in taxes if the state enters into a recession during the trust fund rebuilding process and provides for the lowering of taxes if the trust fund exceeds the adequacy target.

Legal Authority: 1976 Code Section 41-31-45(C).

Plan for Implementation: The proposed Regulation will be implemented by staff in the Unemployment Insurance Tax Division when setting tax rates each year in consultation with the United States Department of Labor.

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

As reflected in 1976 Code Section 41-31-45(C), the Department must ensure the public has an understanding of how tax rates will be set each tax year to ensure that the unemployment trust fund is returned to an adequate level. The purpose of the proposed regulations are to define the terms used in the regulation and to provide detailed information about how the Department will estimate the amount of income necessary to be raised in each year to return the trust fund to the fund adequacy target given various economic situations that could arise.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions. For businesses, tax costs are projected to be comparable to or lower than tax costs currently in effect, barring a major recession. Tax rates will adjust accordingly as prescribed in the proposed Regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions as they are not subject to quarterly unemployment insurance taxes and reimburse the Department dollar-for-dollar for all

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unemployment benefits charged against their accounts. The estimates for impact on the business community will be variable based on the state of the economy and the timing of the next economic contraction.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

Regulations 47-500 and 47-501 establish the procedure by which the South Carolina Department of Employment and Workforce will determine the amount of income necessary to pay benefits and return the unemployment trust fund to an adequate level. These regulations also provide guidance to the Department for setting tax rates in the midst of a recession during the rebuilding process as well as a mechanism to lower tax rates for businesses if the trust fund exceeds its adequacy target. The Department will consult with the United States Department of Labor and review annual data provided by the Congressional Budget Office in determining the projected benefits.

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. 4481

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Preamble:

Pursuant to the Clean Air Act, 42 U.S.C. Section 7401 et seq., and the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq., the South Carolina Department of Health and Environmental Control ("Department") proposes to amend South Carolina (SC) Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the State Implementation Plan ("SIP"), as follows:

1. The Department proposes to amend Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations*, to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

2. The Department also proposes to amend Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards*, to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and, therefore, is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2.

3. The Department also proposes to repeal Regulation 61-62.5, Standard No. 5.1, *Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*. Because other regulations such as Regulation 61-62.5, Standard No. 5, *Volatile Organic Compounds*; Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; and Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review* are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.

4. The Department also proposes to amend Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*, to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 Code of Federal Regulations (CFR) 52.21, *Prevention of Significant Deterioration of Air Quality*.

5. The Department also proposes to amend Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR)* to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the “2013 General Assembly Package” but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).

6. The Department also proposes to amend Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See item 4 for justification).

7. The Department also proposes to amend Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* to correct an error in punctuation.

8. The Department also proposes to amend Regulation 61-62.70, *Title V Operating Permit Program* to make a change to Section 62.70.5(c) to correct a unit of measurement error.

9. The Department also proposes to amend Regulation 61-62 to include corrections for 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), the proposed amendments will require legislative review.

A Notice of Drafting was published in the *South Carolina State Register* (Volume 38, Issue 4) and on the Bureau of Air Quality Regulatory Development website on April 25, 2014. Notice of the Department’s intent to draft these regulations was also published on the DHEC Regulatory website site in its *DHEC Regulation Development Update*. The public comment period ended on May 26, 2014. Comments were received and were considered in the development of these revisions.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.5, Standard No. 1, Emissions from Fuel Burning Operations

Regulation 61-62.5, Standard No. 1, Section I, Visible Emissions:

Paragraph C is amended to add the text “and propane” to specify the exemption for owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

Regulation 61-62.5, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1 is amended to replace the word “semiannual” with the hyphenated word “semi-annual for consistency within the regulation.

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Regulation 61-62.5, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.3 is amended to replace the word “quarterly” with the hyphenated word “semi-annual” for consistency within the regulation.

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

Regulation 61-62.5, Standard No. 2, Table:

Table is amended to strike the pollutant “Gaseous Fluorides (as HF)” and all associated parameters.

Regulation 61-62.5, Standard No. 5.1, Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds

Regulation 61-62.5, Standard No. 5.1 is stricken in its entirety.

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

Regulation 61-62.5, Standard No. 7, Section (a)(2), Applicability procedures:

Paragraph (a)(2)(iv)(f) is amended to add the text “for each type of emissions unit” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(4)(i)(a) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(4)(ii)(a) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(5)(ii)(b) is amended to add the text “52.21 or under regulations approved pursuant to 40 CFR 51.166” for consistency with language in federal regulation 40 CFR 52.21; and to strike the text “and would be constructed in the same state as the state proposing the redesignation” for clarity.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(8) is amended to strike the text “regulated NSR” and add the text “subject to regulation under the Clean Air Act” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(15) is amended to strike the word “actual” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(30)(v) is added for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(32)(i)(a) is amended to strike the underline from the phrase “North American Industrial Classification System” to correct a typographical error.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(iii)(c) is amended to strike the text “the date that the increase from” and the word “occurs;” and add the text “construction on” and the word “commences” to make the contemporaneous period and the

credibility for an increase or decrease in actual emissions the same in order to be consistent with federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(iii)(d) is added for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(b) is amended to strike the word “and” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(34)(vi)(c) is amended to strike the period at the end of the sentence and replace it with a semicolon; and add the word “and” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (b), Definitions:

Paragraph (b)(41)(ii)(b) is amended to add a comma after the word “startups;” strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(3) is amended to add a comma after the text “(m)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(4) is amended to add a comma after the text “(m)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(8)(ii) is amended to add a comma after the text “(m)(1)(ii);” strike the first instance of the word “and;” and add a comma after the text “(m)(1)(iv)” for punctuational and grammatical correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(10) is amended to add a colon at the end of the sentence for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (i), Exemptions:

Paragraph (i)(10)(i) is amended to strike the comma after the word “applies” and replace it with a semicolon for punctuation consistency.

Regulation 61-62.5, Standard No. 7, Section (m), Air quality analysis:

Paragraph (m)(1)(i)(a) is amended to strike the word “omit” and replace it with the word “emit” for grammatical correctness.

Regulation 61-62.5, Standard No. 7, Section (n), Source information:

Paragraph (n)(1)(i) is amended to add a comma after the text “(n)” for punctuational correctness.

Regulation 61-62.5, Standard No. 7, Section (u)(4):

Paragraph (u)(4) is amended to add the words “Clean Air” before the word “Act” for clarity.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(3)(ii) is amended to strike the letter “s” from the word “malfunctions” for consistency with federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(6)(ii) is amended to strike the text “Emissions from,” the word “operation,” the phrase “less than,” the letter “s” from the phrase “24-months,” and the phrase “prior to the date of the PAL permit

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application.” The paragraph is also amended to add the text “For newly constructed,” the phrase “actual construction,” the text “after the,” the text “period,” and the phrase “the emissions” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7, Section (aa), Actuals PALs:

Paragraph (aa)(8)(ii)(b)(2) is amended to strike the text “qtate” and replace with the word “state” to correct typographical error.

Regulation 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(2)(A)(i) is amended to strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(2)(B)(i) is amended to add a comma after the word “startups,” strike the second instance of the word “and;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (c), Definitions:

Paragraph (c)(11)(B)(ii) is amended to strike the second instance of the word “and;” add a comma after the word “shutdowns;” and add the text “and malfunctions” to the end of this paragraph for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 7.1, Section (d), Permitting Requirements:

Paragraph (d)(1)(C)(v)(b)(2) is added to provide flexibility to NSR applicants that have been open for more than one year and less than two years. However, this provision does not allow the use of potential emissions in emission offsets calculations.

Regulation 61-62.5, Standard No. 7.1, Section (i), Actuals PALs:

Paragraph (i)(6)(ii) is amended to strike the word “operation,” the phrase “less than,” the letter “s” from the phrase “24-months,” and the phrase “prior to the date of the PAL permit application.” The paragraph is also amended to add the phrase “actual construction,” the text “after the,” and the word “period” for consistency with language in federal regulation 40 CFR 52.21.

Regulation 61-62.5, Standard No. 8, Toxic Air Pollutant

Regulation 61-62.5, Standard No. 8, Section II, Toxic Air Emissions:

Section II.E.Table is amended to add maximum allowable concentration time frame of “24-Hour Average” to table.

Regulation 61-62.5, Standard No. 8, Section II, Toxic Air Emissions:

Section II.E.Table is amended to add the pollutant “Hydrogen Fluoride (HF)” to include its Chemical Abstract Service (CAS) Number, Category, and Maximum Allowable Concentration. HF is a federal Hazardous Air Pollutant, has no primary or secondary national ambient air quality standard, and therefore is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2 as is currently.

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

Regulation 61-62.60, Subpart LLL, “Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions:”

Subpart LLL, Title is amended to strike the semicolon and replace with a colon for punctuational correctness.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Section 70.5, Permit applications:

Section 70.5(c) is amended to strike the word “year” and replace with the word “month” to correct a unit of measurement error.

Regulation 61-62.70, Section 70.6, Permit content:

Section 70.6(c)(4) is amended to add a hyphen to the word “semiannually” for consistency with the regulation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on December 11, 2014. The public hearing is to be held in room 3420 (Board Room), Third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/AgencyManagement/BoardofDirectors/>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations to Anthony T Lofton by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at loftonat@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 27, 2014, the close of the comment period. Comments received during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Anthony T Lofton at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-7217; or by emailing loftonat@dhec.sc.gov. A copy may also be obtained on the Department’s Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Preliminary Fiscal Impact Statement:

The Department estimates that there will be no increased costs to the State or its political subdivisions as a result of the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, which are being made to streamline State requirements and therefore reduce economic burden.

Statement of Need and Reasonableness:

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

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DESCRIPTION OF REGULATION:

Purpose: The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting requirements; and provide corrections for consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards* is S.C. Code Section 48-1-10 et seq. In accordance with 1976 Code Section 1-23-120(A), legislative review is required.

Plan for Implementation: The proposed amendments will take effect upon approval of the South Carolina General Assembly and publication as final regulations in the *State Register*. A copy of Regulation 61-62, *Air Pollution Control Regulations and Standards* that incorporates these amendments, will be made available electronically on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders and will communicate with affected facilities during the permitting process.

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

The Department proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards* to codify and update "General" language.

The Department also proposes to amend Regulation 61-62.5, Standard No. 1, *Emissions from Fuel Burning Operations* to exempt owners or operators of propane fired units from having to maintain a startup and shutdown log in order to be consistent with the same exemption already allowed for owners or operators of natural gas fired units.

The Department also proposes to amend Regulation 61-62.5, Standard No. 2, *Ambient Air Quality Standards* to remove from the list of pollutants Gaseous Fluorides (as hydrogen fluoride (HF)). HF is a federal Hazardous Air Pollutant or HAP. It has no primary or secondary national ambient air quality standard and therefore is more appropriately regulated under Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* rather than Standard No. 2.

The Department also proposes to repeal Regulation 61-62.5, Standard No. 5.1, *Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*. Because other regulations such as Regulation 61-62.5, Standard No. 5, *Volatile Organic Compounds*; Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration*; and Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review* are available to limit VOC emissions, the Department finds that Regulation 61-62.5, Standard No. 5.1 is no longer necessary.

The Department also proposes to amend Regulation 61-62.5, Standard No. 7, *Prevention of Significant Deterioration* to modify the criteria for creditability of an increase or decrease in actual emissions and modify various text to create consistency with 40 CFR 52.21, *Prevention of Significant Deterioration of Air Quality*.

The Department also proposes to amend Regulation 61-62.5, Standard No. 7.1, *Nonattainment New Source Review (NSR)* to add timing flexibility language to the section of the regulation governing the calculation of emission offsets. Because of public notice requirements, the Department was unable to submit these revisions for approval as part of the "2013 General Assembly Package" but agreed the changes would be submitted for approval as part of the current set of revisions (2014 General Assembly Package).

The Department also proposes to amend Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants* to add maximum allowable concentration time frame of “24-Hour Average” to table and add Hydrogen Fluoride (HF) as a pollutant (See Standard No. 2 amendment above for justification).

The Department also proposes to amend Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* to correct an error in punctuation.

The Department also proposes to amend Regulation 61-62.70, *Title V Operating Permit Program* to make a change to Section 62.70.5(c) to correct a unit of measurement error.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and SIP are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. Amendments to Regulation 62-61, *Air Pollution Control Regulations and Standards* and the SIP will help streamline state requirements within current Prevention of Significant Deterioration, New Source Review and Title V Permit Program standards.

The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use which will reduce economic burden.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* seek to provide continued protection of the environment and public health.

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

There will be no detrimental effect on the environment and/or public health associated with these revisions. To the contrary, the state’s delegated authority to implement programs beneficial to public health and the environment may be compromised if these amendments were not adopted. Permit streamlining and regulatory text clarification seek to have a positive effect on both the environment and public health.

Statement of Rationale:

The Department began this process by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary and in response to comments received.

The Department also held an external stakeholder meeting to take recommendations and comments on those regulatory amendments identified by the workgroup. Several comments were received during the external stakeholder process and they were taken into consideration in developing the amendments to Regulation 61-62 and the SIP. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.

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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. 4482

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10, 13-7-40 and 13-7-45 et seq. and supplement

61-65. Particle Accelerators (Title C)

Preamble:

The Department proposes broad amendments to R.61-65, Particle Accelerators (Title C). General areas of revision include ensuring compatibility with Federal regulations, further clarifying and simplifying the regulation, adding new definitions as required, and deleting provisions that are no longer applicable. Specific areas the Department seeks to address in the regulations include requirements for ventilation systems for particle accelerators that create radioactive material, required and/or accepted interlock systems, and requirements and responsibilities of the radiation safety officer. In addition, the Department proposes language changes to make the regulation more specific and better organized, with the intent of making the regulation more clear. The revisions may result in amending the fee structure in accordance with the governing statute.

A Notice of Drafting for the proposed amendments was published in the *State Register* on July 25, 2014.

Section-by-Section Discussion of Proposed Revisions:

Under the Title of R.61-65 and before the Table of Contents, the statutory authority for this regulation is inserted.

The table of contents was changed to reflect the proposed regulations.

The language "TITLE C," located after the table of contents and before the text of PART I, was deleted due to redundancy. The title of the regulation is stated at the beginning of the document and has not changed.

R.61-65 RHC 1.1

The title of this section was revised by adding the text "Purpose and" and by deleting the "." between "RHC 1.1" and "Purpose and Scope." The content of this section was revised to include persons who transfer particle accelerators and to clarify that these regulations apply to industrial use particle accelerators. Regulations for human use particle accelerators are addressed in R.61-64, X-Rays (Title B). The content of this section was moved from RHC 1.1 to RHC 1.1.2.

R.61-65 RHC 1.1.1

This subsection was added to clarify all applicable situations in which these regulations apply and to the types of particle accelerators covered by these regulations.

R.61-65 RHC 1.1.2

This subsection was moved from RHC 1.1 to RHC 1.1.2 and reworded for clarity.

R.61-65 RHC 1.1.3

This subsection was added to clarify which regulations apply to whom. This ensures the registrant will be aware of and subject to parts of R.61-64, X-Rays (Title B) and R.61-63, Radioactive Materials (Title A).

R.61-65 RHC 1.2

This section was changed from “Definitions of Terms as Used in This Part” to “Definitions” and revised grammatically by deleting the “.” between “RHC 1.2” and “Definitions.” This section was moved from RHC 1.2 to Part VIII “Definitions.” Definitions for the regulation were moved to Part VIII for easy reference. The title of this section was replaced with “Prohibited Use” and revised grammatically by deleting the “.” between “RHC 1.2” and “Prohibited Use.”

R.61-65 RHC 1.2.1

This subsection was revised to update the definition for “Accelerator facility” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.1 to RHC 8.1 to be contained in Part VIII “Definitions.” This subsection was replaced with provisions clarifying lawful possession and use of particle accelerators.

R.61-65 RHC 1.2.2

This subsection was revised to update the definition for “Act” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.2 to RHC 8.2 to be contained in Part VIII “Definitions.” This subsection was replaced by moving the updated wording from RHC 4.7 to RHC 1.2.2.

R.61-65 RHC 1.2.3

This subsection was revised to update the term “Agency” to “Department” and to update the definition to reflect the current title of DHEC. This subsection was moved from RHC 1.2.3 to RHC 8.7 to be contained in Part VIII “Definitions.” This subsection was replaced with provisions clarifying the use of sources of radiation. This allows the Department to prevent harm to public health.

R.61-65 RHC 1.2.4

This subsection was deleted in its entirety. The defined term “Calendar quarter” is not present in the regulations. This subsection was replaced with provisions clarifying the conditions in which a particle accelerator and connected equipment must be placed in operation and used. This subsection was also replaced with additional provisions clarifying conditions requiring a person to be registered with the Department.

R.61-65 RHC 1.2.5

This subsection was revised to update the definition for “Occupational dose” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.5 to RHC 8.18 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.6

This subsection was revised to update the definition for “Particle Accelerator” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.6 to RHC 8.21 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.7

This subsection was revised to update the definition for “Person” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.7 to RHC 8.22 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.8

This subsection was revised to update the definition for “Personnel monitoring program” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.8 to RHC 8.23 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.9

This subsection was revised to update the definition for “Radiation” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.9 to RHC 8.26 to be contained in Part VIII “Definitions.”

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R.61-65 RHC 1.2.10

This subsection was revised to update the term “Radiation protection officer” to “Radiation safety officer” and to update the definition as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.10 to RHC 8.28 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.11

This subsection was revised to update the definition for “Restricted area” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.11 to RHC 8.32 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.12

This subsection was moved from RHC 1.2.12 to RHC 8.35 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.13

This subsection was revised to update the definition for “Survey” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.13 to RHC 8.36 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.14

This subsection was deleted in its entirety. The defined term “These regulations” is not defined in the regulations.

R.61-65 RHC 1.2.15

This subsection was revised to update the definition for “Unrestricted area” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.2.15 to RHC 8.39 to be contained in Part VIII “Definitions.”

R.61-65 RHC 1.2.16

This subsection was deleted in its entirety. The defined term “Whole body” is not present in the regulations.

R.61-65 RHC 1.3

This section was deleted in its entirety. This section is addressed in Part VIII “Definitions.” This section was replaced by RHC 1.4 and revised grammatically by deleting the “.” between “RHC 1.3” and “Inspections.”

R.61-65 RHC 1.3.1

This subsection was revised to update the definition for “Dose” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.3.1 to RHC 8.8 to be contained in Part VIII “Definitions.” This subsection was replaced by moving RHC 1.4.1 to RHC 1.3.1 with updated wording.

R.61-65 RHC 1.3.2

This subsection was deleted in its entirety. The defined term “rad” is addressed in RHC 8.32. This subsection was replaced by moving RHC 1.4.3 to RHC 1.3.2 with updated wording.

R.61-65 RHC 1.3.3

This subsection was revised to update the definition for “Rem” (to include the table) as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 1.3.3 to RHC 8.31 to be contained in Part VIII “Definitions.” This subsection was replaced with provisions clarifying the Department’s right to enter property and the conditions thereof.

R.61-65 RHC 1.3.3.1

This subsection subitem was moved from RHC 1.3.3.1 to RHC 8.31 in the form of a table.

R.61-65 RHC 1.3.3.2

This subsection subitem was moved from RHC 1.3.3.2 to RHC 8.31 in the form of a table.

R.61-65 RHC 1.3.3.3

This subsection subitem was moved from RHC 1.3.3.3 to RHC 8.31 in the form of a table.

R.61-65 RHC 1.3.4

This subsection was deleted in its entirety. The defined term “roentgen” is not present in the regulations. This subsection was replaced with provisions clarifying the Department’s exception to the Health Information Portability and Accountability Act.

R.61-65 RHC 1.4

This section was moved from RHC 1.4 to RHC 1.3. This section was replaced by moving RHC 1.5 to RHC 1.4 and revised grammatically by deleting the “.” between “RHC 1.4” and “Tests and Surveys.”

R.61-65 RHC 1.4.1

This subsection was updated by replacing instances of “Agency” with “Department” and moved from RHC 1.4.1 to RHC 1.3.1. This subsection was replaced by moving RHC 1.5.1 to RHC 1.4.1.

R.61-65 RHC 1.4.2

This subsection was updated for clarity and moved from RHC 1.4.2 to RHC 1.8.3. This subsection was replaced by moving RHC 1.5.2 to RHC 1.4.2.

R.61-65 RHC 1.4.2.1

This subsection subitem was moved from RHC 1.5.2.1 to RHC 1.4.2.1.

R.61-65 RHC 1.4.2.2

This subsection subitem was moved from RHC 1.5.2.2 to RHC 1.4.2.2.

R.61-65 RHC 1.4.2.3

This subsection subitem was moved from RHC 1.5.2.3 to RHC 1.4.2.3.

R.61-65 RHC 1.4.2.4

This subsection subitem was moved from RHC 1.5.2.4 to RHC 1.4.2.4.

R.61-65 RHC 1.4.3

This subsection was updated by replacing instances of “Agency” with “Department” and moved from RHC 1.4.3 to RHC 1.3.2. This subsection was replaced with provisions clarifying documentation and availability requirements.

R.61-65 RHC 1.4.4

This subsection was added to clarify requirements surrounding radiation survey instruments. Periodic maintenance, operational checks, and user training ensure proper operation of the instrument for the detection of radiation.

R.61-65 RHC 1.4.4.1

This subsection subitem was added to clarify radiation survey instrument capability. This ensures the user is receiving accurate measurements when measuring a radiation field.

R.61-65 RHC 1.4.4.2

This subsection subitem was added to clarify the maintenance schedule for radiation survey instruments. This ensures proper operation of the instrument, thereby providing accurate measurements.

R.61-65 RHC 1.4.4.2.1, RHC 1.4.4.2.2, RHC 1.4.4.2.3, and RHC 1.4.4.2.4

These subsection subitems were added to clarify calibration requirements for radiation survey instruments. These requirements help ensure instruments provide users with accurate measurements.

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R.61-65 RHC 1.4.4.2.5

This subsection subitem was added to clarify calibration documentation maintenance. This helps ensure the availability of records for review.

R.61-65 RHC 1.4.4.3

This subsection subitem was added to clarify the availability of the radiation survey instrument manufacturer's instructions. This provides the user with the necessary information for the proper use of the instrument.

R.61-65 RHC 1.4.4.3.1, RHC 1.4.4.3.2, RHC 1.4.4.3.3

These subsection subitems were added to clarify radiation survey instrument operation, training, and documentation requirements. These help to ensure the user of the instrument is familiar with the manufacturer's instructions and his/her competence is documented for review.

R.61-65 RHC 1.4.4.3.4

This subsection subitem was added to clarify requirements for operational checks on radiation survey instruments. This helps the operator ensure the instrument is operable prior to using it to measure radiation and may prevent unnecessary exposure to the user.

R.61-65 RHC 1.4.5

This subsection was added to clarify record retention for calibrations and instrumentation checks. This helps ensure records are maintained for review by the Department.

R.61-65 RHC 1.5

This section was moved from RHC 1.5 to RHC 1.4. This section was replaced by moving RHC 1.6 to RHC 1.5 and revised grammatically by deleting the "." between "RHC 1.5" and "Exemptions."

R.61-65 RHC 1.5.1

This subsection was moved to RHC 1.4.1. This subsection was replaced by moving RHC 1.6.1 to RHC 1.5.1.

R.61-65 RHC 1.5.2

This subsection was updated by replacing instances of "Agency" with "Department" and moved to RHC 1.4.2. This subsection was replaced with provisions clarifying conditions for granting an exemption.

R.61-65 RHC 1.5.2.1

This subsection subitem was moved from RHC 1.5.2.1 to RHC 1.4.2.1. This subsection was replaced with provisions clarifying conditions for granting an exemption.

R.61-65 RHC 1.5.2.2

This subsection subitem was moved from RHC 1.5.2.2 to RHC 1.4.2.2. This subsection was replaced with provisions clarifying conditions for granting an exemption.

R.61-65 RHC 1.5.2.3

This subsection subitem was moved from RHC 1.5.2.3 to RHC 1.4.2.3. This subsection was replaced with provisions clarifying conditions for granting an exemption.

R.61-65 RHC 1.5.2.4

This subsection subitem was moved from RHC 1.5.2.4 to RHC 1.4.2.4.

R.61-65 RHC 1.6

This section was moved from RHC 1.6 to RHC 1.5. This section was replaced by moving RHC 1.7 to RHC 1.6 and revised grammatically by deleting the "." between "RHC 1.6" and "Additional Requirements."

R.61-65 RHC 1.6.1

This subsection was revised by updating requirements for “Exemptions” as outlined in R.61-64, X-Rays (Title B) and by replacing instances of “Agency” with “Department”. This subsection was moved from RHC 1.6.1 to RHC 1.5.1. This subsection was replaced by moving RHC 1.7.1 to RHC 1.6.1.

R.61-65 RHC 1.6.2

This subsection was added to clarify authorization to inspect and investigate potential health hazards. This allows the Department to evaluate potential health hazards caused by the operation of radiation installations.

R.61-65 RHC 1.6.3

This subsection was added to clarify the information required for the Department to review a request to operate equipment not currently covered in the regulations. This allows the Department to evaluate potentially harmful equipment prior to being operated.

R.61-65 RHC 1.6.4

This subsection was moved from RHC 3.3.1 to RHC 1.6.4 with revised requirements.

R.61-65 RHC 1.6.4.1

This subsection subitem was moved from RHC 4.3.1.1 to RHC 1.6.4.1.

R.61-65 RHC 1.6.4.2

This subsection subitem was moved from RHC 4.3.1.2 to RHC 1.6.4.2 with revised requirements.

R.61-65 RHC 1.6.4.3

This subsection subitem was moved from RHC 4.3.1.3 to RHC 1.6.4.3.

R.61-65 RHC 1.6.4.4

This subsection subitem was moved from RHC 4.3.1.4 to RHC 1.6.4.4 with revised requirements.

R.61-65 RHC 1.7

This section was moved from RHC 1.7 to RHC 1.6. This section was replaced by moving RHC 1.8 to RHC 1.7 and revised grammatically by deleting the “.” between “RHC 1.7” and “Violations.”.

R.61-65 RHC 1.7.1

This subsection was updated by replacing instances of “Agency” with “Department” and moved from RHC 1.7.1 to RHC 1.6.1. This subsection was replaced by moving RHC 1.71 with RHC 1.8.1.

R.61-65 RHC 1.7.2

This subsection was added to clarify notification requirements following a violation. This allows the person 20 days to respond to each violation with a plan of action to correct the violation.

R.61-65 RHC 1.7.3

This subsection was added to clarify corrective action requirements. This allows the person 60 days to correct the violation and notify the Department in writing.

R.61-65 RHC 1.7.4

This subsection was added to clarify the authority of the Department to identify and act upon violations of the Act and regulations.

R.61-65 RHC 1.7.5

This subsection was added to clarify the assessing of civil penalties by the Department. This allows the Department to impose civil penalties.

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R.61-65 RHC 1.8

This section was moved from RHC 1.8 to RHC 1.7. This section was replaced with provisions for the enforcement of the Act and these regulations. This allows the Department to take action if a registrant fails to comply with regulations.

R.61-65 RHC 1.8.1

This subsection was updated by replacing instances of “Agency” with “Department” and moved from RHC 1.8.1 to RHC 1.7.1. This subsection was replaced with provisions outlining action that will be taken by the Department in the event the Act or these regulations have been violated. This allows the Department to take action if a registrant fails to comply with regulations.

R.61-65 RHC 1.8.1.1

This subsection subitem was added to clarify the action the Department will take upon discovery of a violation. This provides the registrant with written notification of the violation.

R.61-65 RHC 1.8.1.1.1

This subsection subitem was added to clarify contents of the written notification. This provides the registrant with a listing of each regulation found to be in violation.

R.61-65 RHC 1.8.1.1.2

This subsection subitem was added to clarify contents of the written notification. This provides the registrant with a reason the violation is listed.

R.61-65 RHC 1.8.1.1.3

This subsection subitem was added to clarify the way in which the registrant is to respond to the written notification. This helps to ensure the Department is aware of corrective action being taken to correct violations.

R.61-65 RHC 1.8.1.1.4

This subsection subitem was added to clarify the establishment of a time frame by the Department for the registrant to submit an action plan. This helps to ensure the violations are corrected in a timely manner.

R.61-65 RHC 1.8.1.2

This subsection subitem was added to clarify action to be taken by the Department in the event the registrant fails to comply with the written notification. This allows the Department to enforce the Act and regulations through additional enforcement actions.

R.61-65 RHC 1.8.1.3

This subsection subitem was added to clarify steps to be taken by the Department in the event further enforcement actions are pursued. This helps ensure continuity when pursuing enforcement actions.

R.61-65 RHC 1.8.1.3.1

This subsection subitem was added to list a step that may be taken by the Department in the event further enforcement actions are pursued. This helps ensure continuity when pursuing enforcement actions.

R.61-65 RHC 1.8.1.3.1.1, RHC 1.8.1.3.1.2, RHC 1.8.1.3.1.3, and RHC 1.8.1.3.1.4

These subsection subitems were added to list possible results of an administrative order being issued. This helps ensure continuity when pursuing enforcement actions.

R.61-65 RHC 1.8.1.3.2 and RHC 1.8.1.3.3

These subsection subitems were added to list steps that may be taken by the Department in the event further enforcement actions are pursued. This helps ensure continuity when pursuing enforcement actions.

R.61-65 RHC 1.8.2

This subsection was added to clarify the conditions in which the Department may impound a source of radiation. This reduces risk or further risk to the health of the individuals involved.

R.61-65 RHC 1.8.3

This subsection was added by moving RHC 1.4.2 to RHC 1.8.3.

R.61-65 RHC 1.9

This section was revised grammatically by deleting the “.” between “RHC 1.9” and “Records.”

R.61-65 RHC 1.9.1

This subsection was updated to include provisions concerning the availability and disposal of records. This helps ensure records are available for Department review.

R.61-65 RHC 1.9.2

This subsection was added to clarify the information required to be maintained by the registrant. This helps ensure records are available for Department review.

R.61-65 RHC 1.9.2.1

This subsection subitem was added to clarify the information required to be maintained by the registrant. This information allows the Department to verify equipment onsite.

R.61-65 RHC 1.9.2.2

This subsection subitem was added to clarify the information required to be maintained by the registrant. This information allows the Department to verify the completion of required tests and surveys and the registration status of those persons performing them.

R.61-65 RHC 1.9.2.3

This subsection subitem was added to clarify the information required to be maintained by the registrant. This allows the registrant to verify correspondence with the Department.

R.61-65 RHC 1.9.3

This subsection was added to clarify the information required to be maintained by the registrant. This allows the Department to verify inventory onsite.

R.61-65 RHC 1.9.4

This subsection was added to clarify record accuracy requirements. This prevents false statements from being made on the records required to be maintained by the registrant.

R.61-65 RHC 1.10

This section was revised grammatically by deleting the “.” between “RHC 1.10” and “Communications.”

R.61-65 RHC 1.10.1

This subsection was revised to update instances of “Agency” to “Department” and the current contact information for the Bureau of Radiological Health.

R.61-65 RHC 1.10.2

This subsection was added to clarify provisions for providing false information to the Department. This helps ensure information provided to the Department is accurate.

R.61-65 RHC 1.11

This section was moved from RHC 1.11 to RHC 2.7. This section was replaced with provisions for the administration of civil penalties. This provides guidelines for the administration of civil penalties.

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R.61-65 RHC 1.11.1

This subsection was revised by replacing the term “accelerator” with “particle accelerator” and deleting the phrase “in accordance with a schedule of fees issued by the Department.” Statements concerning vendor and out-of-state facility fees and the due date of the registration fee were also added. The fees will remain the same as outlined in Part II of R.61-64, X-Rays (Title B) and is not in addition to current fees. This subsection was moved from RHC 1.11.1 to RHC 2.7.1. This subsection was replaced with provisions clarifying the criteria used in the assessment of civil penalties.

R.61-65 RHC 1.11.1.1

This subsection subitem was added to list the criteria used in the assessment of civil penalties. This allows the Department to consider the severity of the violation when assessing civil penalties.

R.61-65 RHC 1.11.1.2

This subsection subitem was added to list the criteria used in the assessment of civil penalties. This allows the Department to consider previous compliance history when assessing civil penalties.

R.61-65 RHC 1.11.1.3

This subsection subitem was added to list the criteria used in the assessment of civil penalties. This allows the Department to consider the amount assessed to deter future violations when assessing civil penalties.

R.61-65 RHC 1.11.1.4

This subsection subitem was added to list the criteria used in the assessment of civil penalties. This allows the Department to consider efforts to correct the violation when assessing civil penalties.

R.61-65 RHC 1.11.1.5

This subsection subitem was added to list the criteria used in the assessment of civil penalties. This allows the Department to consider any other factors when assessing civil penalties.

R.61-65 RHC 1.11.2

This subsection was moved from RHC 1.11.2 to RHC 2.7.4. This subsection was replaced with provisions clarifying the severity levels in which the violations will be categorized. This allows the Department to categorize the severity levels of the violations based on the categories presented within the subsection subitems that follow.

R.61-65 RHC 1.11.2.1

This subsection subitem was added to clarify the major violation category. This violation category is the most severe and is considered when determining civil penalty amounts using the penalty matrix.

R.61-65 RHC 1.11.2.2

This subsection subitem was added to clarify the moderate violation category. This violation category is less severe than the major category and is considered when determining civil penalty amounts using the penalty matrix.

R.61-65 RHC 1.11.2.3

This subsection subitem was added to clarify the minor violation category. This violation category is the least severe and is considered when determining civil penalty amounts using the penalty matrix.

R.61-65 RHC 1.11.2.4

This subsection subitem was added to clarify the way in which a violation will be characterized. This allows the Department to best characterize a violation or group of violations on a case by case basis.

R.61-65 RHC 1.11.3

This subsection was reworded for clarity and moved from RHC 1.11.3 to RHC 2.7.2. This subsection was replaced with provisions clarifying factors that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on factors presented within the subsection subitems that follow.

R.61-65 RHC 1.11.3.1

This subsection subitem was added to clarify provisions concerning a factor that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on the conditions presented within this subsection subitem.

R.61-65 RHC 1.11.3.2

This subsection subitem was added to clarify provisions concerning a factor that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on the conditions presented within this subsection subitem.

R.61-65 RHC 1.11.3.3

This subsection subitem was added to clarify provisions concerning a factor that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on the conditions presented within this subsection subitem.

R.61-65 RHC 1.11.3.4

This subsection subitem was added to clarify provisions concerning a factor that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on the conditions presented within this subsection subitem.

R.61-65 RHC 1.11.3.5

This subsection subitem was added to clarify provisions concerning a factor that may influence adjustments to the values listed in the penalty matrix. This allows the Department to apply adjustments based on the conditions presented within this subsection subitem.

R.61-65 RHC 1.11.3.6

This subsection subitem was added to clarify the nature of the factors and the violations when considering the assessment of civil penalties. This allows the Department to consider all factors when assessing civil penalties.

R.61-65 RHC 1.11.4

This subsection was reworded for clarity and moved from RHC 1.11.4 to RHC 2.7.3. This subsection was replaced with provisions clarifying the schedule that will be used to issue civil penalties. This provides the Department with a matrix when considering the assessment of civil penalties.

R.61-65 RHC 1.11.4.1

This subsection subitem was added to present the penalty matrix that will be used when assessing civil penalties. This provides the Department with a standard when considering the assessment of civil penalties.

R.61-65 RHC 1.11.4.2

This subsection subitem was added to clarify the authority of the Department to impose civil penalties. This provides conditions that may cause civil penalties to be issued.

R.61-65 RHC 1.11.4.2.1

This subsection subitem was added to clarify a condition that may cause civil penalties to be issued by the Department. These conditions present a significant health hazard and should be deterred.

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R.61-65 RHC 1.11.4.2.2

This subsection subitem was added to clarify a condition that may cause civil penalties to be issued by the Department. These conditions present a significant health hazard and should be deterred.

R.61-65 RHC 1.11.4.2.3

This subsection subitem was added to clarify a condition that may cause civil penalties to be issued by the Department. These conditions present a significant health hazard and should be deterred.

R.61-65 RHC 1.11.4.2.4

This subsection subitem was added to clarify a condition that may cause civil penalties to be issued by the Department. These conditions present a significant health hazard and should be deterred.

R.61-65 RHC 1.11.5

This subsection was reworded for clarity and moved from RHC 1.11.5 to RHC 2.7.5.

R.61-65 PART II

The title of this part was deleted in its entirety and replaced by moving RHC 4.2 to Part II. The new title was bolded and capitalized for stylistic purposes.

R.61-65 RHC 2.1

The title of this section was revised grammatically by deleting the “.” between “RHC 2.1” and “Purpose and Scope.” The content of this section was deleted in its entirety. The content of this section is addressed in Part III of R.61-64, X-Rays (Title B). The content of this section was replaced with revised requirements moved from RHC 4.1 to RHC 2.1.

R.61-65 RHC 2.1.1

This subsection was added to clarify each person responsible for registering industrial use particle accelerators and facilities. This allows the Department to track potential radiation producing machines.

R.61-65 RHC 2.1.2

This subsection was moved from RHC 4.8.1 to RHC 2.1.2 and revised for stylistic purposes.

R.61-65 RHC 2.2

The title of this section was deleted in its entirety and replaced with “Exemptions.” The title of this section was revised grammatically by deleting the “.” between “RHC 2.2” and “Exemptions.”

R.61-65 RHC 2.2.1

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Occupational Dose Limits for Adults (Part III).” This subsection was replaced with revised requirements moved from RHC 4.12.1 to RHC 2.2.1.

R.61-65 RHC 2.2.2

This subsection was deleted in its entirety. Registrants are not permitted to exceed current federal occupational dose limits. This subsection was replaced with revised requirements moved from RHC 4.12.2 to RHC 2.2.2.

R.61-65 RHC 2.2.2.1

This subsection subitem was deleted in its entirety. Registrants are not permitted to exceed current federal occupational dose limits.

R.61-65 RHC 2.2.2.2

This subsection subitem was deleted in its entirety. Registrants are not permitted to exceed current federal occupational dose limits.

R.61-65 RHC 2.2.2.3

This subsection subitem was deleted in its entirety. Registrants are not permitted to exceed current federal occupational dose limits.

R.61-65 RHC 2.2.3

This subsection was deleted in its entirety. Registrants are not permitted to exceed current federal occupational dose limits. This subsection was replaced with text explaining any facility that falls under federal jurisdiction is exempt from registration.

R.61-65 RHC 2.2.4

This subsection was moved from RHC 4.12.3 to RHC 2.2.4 and revised for clarity.

R.61-65 RHC 2.3

This section was deleted in its entirety. Occupational dose limits for minors is addressed in Part III of R.61-64, X-Rays (Title B). This section was replaced with "Facility Registration Approval" and revised grammatically by deleting the "." between "RHC 2.3" and "Facility Registration Approval."

R.61-65 RHC 2.3.1

This subsection was added to require any facility planning to install a particle accelerator to follow the provisions required by RHC 2.3.1.1 through RHC 2.3.1.3.

R.61-65 RHC 2.3.1.1

This subsection subitem was added to require the facility to submit information necessary to register.

R.61-65 RHC 2.3.1.1.1

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.1.2

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.1.3

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.1.4

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.1.5

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.1.6

This subsection subitem was added to clarify the necessary information to be submitted in order to register the facility.

R.61-65 RHC 2.3.1.2

This subsection subitem was added stating a facility registration approval will be issued upon review and approval of the information required by RHC 2.3.1.1.

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R.61-65 RHC 2.3.1.3

This subsection subitem was added to require a facility to be issued a facility registration approval prior to installing a particle accelerator. The facility must be registered before equipment can be registered.

R.61-65 RHC 2.4

This section was deleted in its entirety. Dose limits for individual members of the public is addressed in Part III of R.61-64, X-Rays (Title B). The title of this section was replaced with "Equipment Registration Requirements, Users of Particle Accelerators" and revised grammatically by deleting the "." between "RHC 2.4" and "Equipment Registration Requirements, Users of Particle Accelerators." The content of this section was deleted in its entirety. The radiation symbol is addressed in Part III of R.61-64, X-Rays (Title B).

R.61-65 RHC 2.4.1

This subsection was deleted in its entirety. Dose limits for individual members of the public is addressed in Part III of R.61-64, X-Rays (Title B). This subsection was replaced with requirements clarifying persons possessing a particle accelerator must register the machine within thirty days of acquisition.

R.61-65 RHC 2.4.1.1

This subsection subitem was deleted in its entirety. Dose limits for individual members of the public is addressed in Part III of R.61-64, X-Rays (Title B). This subsection subitem was replaced with text clarifying the issuance of a registration sticker upon registration of a particle accelerator and that it is to be placed on the control panel.

R.61-65 RHC 2.4.1.2

This subsection subitem was deleted in its entirety. Dose limits for individual members of the public is addressed in Part III of R.61-64, X-Rays (Title B). This subsection subitem was replaced with text requiring the removal of the registration sticker if the particle accelerator is removed from the facility. The sticker is invalid if the equipment is removed from the facility.

R.61-65 RHC 2.4.1.3

This subsection subitem was added to allow vendors to confirm the registration of both the facility and the particle accelerator by verifying an accurate registration sticker is present. This allows vendors to ensure they are following the requirements of RHC 2.5.3.

R.61-65 RHC 2.4.2

This subsection was deleted in its entirety. Dose limits for individual members of the public is addressed in Part III of R.61-64, X-Rays (Title B). This subsection was replaced with text clarifying the requirements for re-registration of particle accelerators. This allows the Department to keep accurate records of equipment at any given facility.

R.61-65 RHC 2.4.3

This subsection was added to clarify the requirements for reporting changes of status with the facility and particle accelerator. This gives the facility ample time to report changes in registration status and allows the Department to keep accurate records of equipment at any given facility.

R.61-65 RHC 2.4.4

This subsection was added to clarify the responsibility of the registrants to verify the vendor providing service is registered. This prevents unregistered vendors from furnishing services to registrants without the proper knowledge of state regulations.

R.61-65 RHC 2.5

The title of this section was deleted in its entirety. The radiation symbol is addressed in Part III of R.61-64, X-Rays (Title B). The title of this section was replaced with "Vendor Registration and Obligation" and revised grammatically by deleting the "." between "RHC 2.5" and "Vendor Registration and Obligation."

R.61-65 RHC 2.5.1

This subsection was deleted in its entirety. The radiation symbol is addressed in Part III of R.61-64, X-Rays (Title B). This subsection was replaced with text clarifying the persons required to register as a vendor. This ensures the registration of any vendor performing services to registrants.

R.61-65 RHC 2.5.1.1

This subsection subitem was replaced with text allowing in-house personnel to be exempt from the registration requirement. This allows qualified experts employed by the facility to perform services for particle accelerators in that facility only.

R.61-65 RHC 2.5.1.1.1

This subsection subitem was added to further clarify the conditions to be exempt from the registration requirement.

R.61-65 RHC 2.5.1.1.2

This subsection subitem was added to further clarify the conditions to be exempt from the registration requirement.

R.61-65 RHC 2.5.1.2

This subsection subitem was added to require the maintenance of documentation for in-house service personnel. This allows the Department to review the records during inspections.

R.61-65 RHC 2.5.2

This subsection was added to require registered vendors to provide notification of particular services provided in the state.

R.61-65 RHC 2.5.2.1

This subsection subitem was added to clarify the information required with the notifications.

R.61-65 RHC 2.5.2.2

This subsection subitem was added to clarify the information required with the notifications.

R.61-65 RHC 2.5.2.3

This subsection subitem was added to clarify the information required with the notifications.

R.61-65 RHC 2.5.2.4

This subsection subitem was added to clarify the way in which and how often the vendor is required to provide notification.

R.61-65 RHC 2.5.3

This subsection was added to clarify conditions to be met before vendors may provide services or supplies to registrants. This prevents vendors from providing services to unregistered persons.

R.61-65 RHC 2.5.4

This subsection was added to require vendors to retain records. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.4.1

This subsection subitem was added to clarify the records required to be retained by vendors. This allows the Department to review the records when necessary.

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R.61-65 RHC 2.5.4.2

This subsection subitem was added to clarify the records required to be retained by vendors. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.4.3

This subsection subitem was added to clarify the records required to be retained by vendors. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.4.4

This subsection subitem was added to clarify the records required to be retained by vendors. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.5

This subsection was added to clarify conditions for disposal of the records required to be retained by vendors. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.6

This subsection was added to clarify requirements for the maintenance of operable instruments used by the vendor and retaining records of the maintenance. This allows the Department to review the records when necessary.

R.61-65 RHC 2.5.6.1

This subsection subitem was added to clarify calibration frequencies for survey meters. This will help to prevent surveys from being performed with equipment that is out of calibration.

R.61-65 RHC 2.6

The title of this section was deleted in its entirety. Caution signs are addressed in Part III of R.61-64, X-Rays (Title B). The title of this section was replaced with "Modification, Revocation, Termination of Registrants" and revised grammatically by deleting the "." between "RHC 2.6" and "Modification, Revocation, Termination of Registrants." The content of this section was deleted in its entirety. Personnel monitoring is addressed in Part IV "Personnel Monitoring Requirements" of these regulations.

R.61-65 RHC 2.6.1

This subsection was deleted in its entirety. Posting requirements are addressed in Part III of R.61-64, X-Rays (Title B). This subsection was replaced to clarify the terms and conditions of registrations. This allows the Department to change the registration status of registrants under particular circumstances.

R.61-65 RHC 2.6.1.1

This subsection subitem was deleted in its entirety. Posting requirements are addressed in Part III of R.61-64, X-Rays (Title B). This subsection subitem was replaced with text clarifying conditions that may affect registration statuses. This allows the Department to change registration statuses based on changes to the Act.

R.61-65 RHC 2.6.1.2

This subsection subitem was deleted in its entirety. Posting requirements are addressed in Part III of R.61-64, X-Rays (Title B). This subsection subitem was replaced with text clarifying conditions that may affect registration statuses. This allows the Department to change registration statuses based on adopted regulations.

R.61-65 RHC 2.6.1.3

This subsection subitem was added to clarify conditions that may affect registration statuses. This allows the Department to change registration statuses based on orders issued by the Department.

R.61-65 RHC 2.6.2

This subsection was revised to update the definition for “Radiation Area” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 2.6.2 to RHC 8.27 to be contained in Part VIII “Definitions.” This subsection was replaced to clarify conditions that may affect registration statuses. This allows the Department to revoke, suspend, or modify any registration under certain conditions.

R.61-65 RHC 2.6.2.1

This subsection subitem was added to clarify conditions that may affect registration statuses. This allows the Department to revoke, suspend, or modify any registration for supplying material false statements or any statement of fact.

R.61-65 RHC 2.6.2.2

This subsection subitem was added to clarify conditions that may affect registration statuses. This allows the Department to revoke, suspend, or modify any registration because of any statement or other means that would warrant a refusal of registration.

R.61-65 RHC 2.6.2.3

This subsection subitem was added to clarify conditions that may affect registration statuses. This allows the Department to revoke, suspend, or modify any registration for violations of any terms and conditions that apply.

R.61-65 RHC 2.6.3

This subsection was revised to update the definition for “High radiation area” as outlined by R.61-64, X-Rays (Title B). This subsection was moved from RHC 2.6.3 to RHC 8.11 to be contained in Part VIII “Definitions.” This subsection was replaced with text stating a revocation may be appealed pursuant to applicable law. This allows the registrant to appeal revocation of registration.

R.61-65 RHC 2.6.4

This subsection was deleted in its entirety. Posting requirements are addressed in Part III of R.61-64, X-Rays (Title B). This subsection was replaced with provisions clarifying the registration modification, revocation, and suspension process.

R.61-65 RHC 2.6.4.1

This subsection subitem was added to clarify steps to be taken prior to making changes to a registrant’s registration status. This provides the registrant with notification prior to action being taken.

R.61-65 RHC 2.6.4.2

This subsection subitem was added to clarify steps to be taken prior to making changes to a registrant’s registration status. This provides the registrant an opportunity to demonstrate compliance prior to action.

R.61-65 RHC 2.6.5

This subsection was added to clarify the process of terminating a registration. This allows the registrant to provide a written request to terminate a registration.

R.61-65 RHC 2.6.6

This subsection was added to clarify the application of the provisions in Part II. This ensures both machines and vendors are covered.

R.61-65 RHC 2.7

The title of this section “Personnel Monitoring” was moved from RHC 2.7 to RHC 4.1. The title of this section was replaced by moving RHC 1.11 to RHC 2.7. The title of this section was revised grammatically by deleting the “.” between “RHC 2.7” and “Annual Fees.”

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R.61-65 RHC 2.7.1

This subsection was deleted in its entirety. Personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations. This subsection was replaced by moving RHC 1.11.1 to RHC 2.7.1 with revised language and is not in addition to current fees.

R.61-65 RHC 2.7.2

This subsection was deleted in its entirety. Personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations. This subsection was replaced by moving RHC 1.11.3 to RHC 2.7.2. This subsection was moved for convenience and is not in addition to current fees.

R.61-65 RHC 2.7.3

This subsection was deleted in its entirety. Personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations. This subsection was replaced by moving RHC 1.11.4 to RHC 2.7.3. This subsection was added for convenience and is not in addition to current fees.

R.61-65 RHC 2.7.4

This subsection was deleted in its entirety. Personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations. This subsection was replaced by moving RHC 1.11.2 to RHC 2.7.4. This subsection was moved for convenience and is not in addition to current fees.

R.61-65 RHC 2.7.5

This subsection was added by moving RHC 1.11.5 to RHC 2.7.5. This subsection was moved for convenience and is not in addition to current fees.

R.61-65 RHC 2.7.6

This subsection was added to clarify the schedule of fees that will be used to determine annual fees due. This subsection was added for convenience and is not in addition to current fees.

R.61-65 RHC 2.8

The title of this section was deleted in its entirety. Records of personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations.

R.61-65 RHC 2.8.1

This subsection was deleted in its entirety. Records of personnel monitoring is addressed in Part IV “Personnel Monitoring Requirements” of these regulations.

The footnote denoted as “¹” referencing RHC 2.8.1 was deleted in its entirety. The Department does not supply this form to registrants.

R.61-65 RHC 2.9

This section was deleted in its entirety. This section is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.9.1

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.9.1.1

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.9.2

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.9.2.1

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.9.3

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notification of Incidents (Part III).”

R.61-65 RHC 2.10

This section was deleted in its entirety. This section is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.1

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.1.1

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.1.2

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.1.3

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.1.4

This subsection subitem was deleted in its entirety. This subsection subitem is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.10.2

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Reports of Exposures and Radiation Levels Exceeding the Limits (Part III).”

R.61-65 RHC 2.11

This section was deleted in its entirety. This section is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 RHC 2.11.1

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

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R.61-65 RHC 2.11.2

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 RHC 2.11.3

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

The footnote denoted as “²” referencing RHC 2.11.3 was deleted in its entirety. This form is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 RHC 2.11.4

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 RHC 2.11.5

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 RHC 2.11.6

This subsection was deleted in its entirety. This subsection is addressed in R.61-64, X-Rays (Title B) as referenced through Appendix A “Notices, Instructions, and Reports to Workers: Inspections (Part X).”

R.61-65 PART III

The title of this part was changed from “RADIATION SAFETY REQUIREMENTS FOR PARTICLE ACCELERATORS” to “RADIATION SAFETY REQUIREMENTS FOR RADIATION SAFETY OFFICERS AND OPERATORS.” The new title was bolded and capitalized for stylistic purposes.

R.61-65 RHC 3.1

The title of this section was deleted in its entirety and replaced with “Minimum Personnel Radiation Safety Requirements for Radiation Safety Officers and Operators.” The content of this section was deleted in its entirety. The intent of the scope of this part is contained in the title of this section.

R.61-65 RHC 3.1.1

This subsection was added to establish training requirements for acting as a Radiation Safety Officer. This ensures that Radiation Safety Officers are properly qualified.

R.61-65 RHC 3.1.1.1

This subsection subitem was added to clarify training requirements for acting as a Radiation Safety Officer. This ensures that Radiation Safety Officers are properly qualified.

R.61-65 RHC 3.1.1.2

This subsection subitem was added to clarify training requirements for acting as a Radiation Safety Officer. This ensures that Radiation Safety Officers are properly qualified.

R.61-65 RHC 3.1.1.3

This subsection subitem was added to clarify training requirements for acting as a Radiation Safety Officer. This ensures that Radiation Safety Officers are properly qualified.

R.61-65 RHC 3.1.2

This subsection was added to establish training requirements for operators. This ensures that operators are properly qualified.

R.61-65 RHC 3.1.2.1

This subsection subitem was added to clarify training requirements for operators. This ensures that operators are properly qualified.

R.61-65 RHC 3.1.2.2

This subsection subitem was added to clarify training requirements for operators. This ensures that operators are properly qualified.

R.61-65 RHC 3.1.2.3

This subsection subitem was added to clarify training requirements for operators. This ensures that operators are properly qualified.

R.61-65 RHC 3.1.2.4

This subsection subitem was added to clarify training requirements for operators. This ensures that operators are properly qualified.

R.61-65 RHC 3.1.3

This subsection was moved from RHC 3.3.5 to RHC 3.1.3 and revised for simplicity.

R.61-65 RHC 3.2

This section was deleted in its entirety. Definitions are contained in Part VIII “Definitions” of these regulations. This section was replaced by moving RHC 3.7 to RHC 3.2 and revised grammatically by deleting the “.” between “RHC 3.2” and “Minimum Subjects to be Covered in Training Radiation Safety Officers and Operators.”

R.61-65 RHC 3.2.1

This subsection was deleted in its entirety. The defined term “Emergency Procedure” is addressed in RHC 8.19. This subsection was replaced with revised requirements moved from RHC 3.3.4 to RHC 3.2.1.

R.61-65 RHC 3.2.1.1

This subsection subitem was moved from RHC 3.7.1 to RHC 3.2.1.1 and revised grammatically.

R.61-65 RHC 3.2.1.1.1

This subsection subitem was moved from RHC 3.7.1.1 to RHC 3.2.1.1.1 and revised for simplicity.

R.61-65 RHC 3.2.1.1.2

This subsection subitem was moved from RHC 3.7.1.2 to RHC 3.2.1.1.2 and revised for clarity.

R.61-65 RHC 3.2.1.1.3

This subsection subitem was moved from RHC 3.7.1.3 to RHC 3.2.1.1.3 with revised requirements.

R.61-65 RHC 3.2.1.1.4

This subsection subitem was moved from RHC 3.7.1.4 to RHC 3.2.1.1.4 with revised requirements.

R.61-65 RHC 3.2.1.1.5

This subsection subitem was moved from RHC 3.7.1.5 to RHC 3.2.1.1.5 with revised requirements.

R.61-65 RHC 3.2.1.1.5.1

This subsection subitem was added to list the required instruction of operators in controlling radiation dose with working time. This ensures that operators have proper radiation safety training in basic ALARA “As Low As Reasonably Achievable” principles.

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R.61-65 RHC 3.2.1.1.5.2

This subsection subitem was added to list the required instruction of operators in controlling radiation dose with working distances. This ensures that operators have proper radiation safety training in basic ALARA “As Low As Reasonably Achievable” principles.

R.61-65 RHC 3.2.1.1.5.3

This subsection subitem was moved from RHC 3.7.1.5.1 to RHC 3.2.1.1.5.3.

R.61-65 RHC 3.2.1.2

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.1

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.1.1

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.1.2

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.1.3

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.2

This subsection subitem was added to list the required instruction of operators in the use of radiation detection instrumentation. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.3

This subsection subitem was moved from RHC 3.7.2 to RHC 3.2.1.2.3 and revised for clarity.

R.61-65 RHC 3.2.1.2.3.1

This subsection subitem was added to list the required instruction of operators in the use of specific types of personnel monitoring equipment. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.2.3.2

This subsection subitem was added to list the required instruction of operators in the use of specific types of personnel monitoring equipment. This ensures that operators have proper training in radiation detection instruments.

R.61-65 RHC 3.2.1.3

This subsection subitem was moved from RHC 3.7.3 to RHC 3.2.1.3 with revised requirements.

R.61-65 RHC 3.2.1.4

This subsection subitem was moved from RHC 3.7.4 to RHC 3.2.1.4 and revised for organizational purposes.

R.61-65 RHC 3.2.1.5

This subsection subitem was moved from RHC 3.7.5 to RHC 3.2.1.5 and revised for organizational purposes.

R.61-65 RHC 3.2.2

This subsection was deleted in its entirety. The defined term “Maintenance Personnel” is not defined in these regulations.

R.61-65 RHC 3.2.3

This subsection was revised to update the definition for “Operating Procedures” as outlined by R.61-64, X-Rays (Title B) and moved from RHC 3.2.3 to RHC 8.19 to be contained in Part VIII “Definitions.”

R.61-65 RHC 3.2.4

This subsection was revised by changing the reference within the definition from RHC 3.7 to RHC 3.2. This subsection was moved from RHC 3.2.4 to RHC 8.20 to be contained in Part VIII “Definitions.”

R.61-65 RHC 3.3

This section was deleted in its entirety. The intent of this section is addressed throughout this regulation. The title of this section was replaced with “Operating and Emergency Procedures” and revised grammatically by deleting the “.” between “RHC 3.3” and “Operating and Emergency Procedures.”

R.61-65 RHC 3.3.1

This subsection was revised to specify the facility’s responsibility to appoint a Radiation Safety Officer who is responsible for radiation protection at the facility. This subsection was moved from RHC 3.3.1 to RHC 1.3.2. This subsection was replaced to require registrants to have written operating and emergency procedures. This ensures personnel are aware of and instructed in the operating and emergency procedures of the facility.

R.61-65 RHC 3.3.1.1

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in the handling of particle accelerators so as not to exceed occupational exposure limits.

R.61-65 RHC 3.3.1.2

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in how and when to conduct radiation surveys.

R.61-65 RHC 3.3.1.3

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in how to control radiation areas.

R.61-65 RHC 3.3.1.4

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in how to secure particle accelerators when not in use.

R.61-65 RHC 3.3.1.5

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in the use of personnel monitoring.

R.61-65 RHC 3.3.1.6

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in handling exposed personnel.

R.61-65 RHC 3.3.1.7

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in minimizing exposure in case of an accident.

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R.61-65 RHC 3.3.1.8

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in notifying the proper persons in the event of an accident.

R.61-65 RHC 3.3.1.9

This subsection subitem was added to clarify items that must be included in the operating and emergency procedures. This ensures personnel are aware of and instructed in maintaining records.

R.61-65 RHC 3.3.2

This subsection was deleted in its entirety. The Radiation Safety Officer is responsible for the operating and emergency procedures by default since the Radiation Safety Officer is responsible for the entire radiation safety program at the facility in accordance with RHC 1.3.2 of these regulations.

R.61-65 RHC 3.3.3

This subsection was deleted in its entirety. Familiarity to operating and emergency procedures is addressed in RHC 3.2.1.5. Availability of operating and emergency procedures is addressed in RHC 6.3.7.

R.61-65 RHC 3.3.4

This subsection was revised to include the requirement that operators must be trained in and demonstrate an understanding of the topics listed in RHC 3.2.1.1 through RHC 3.2.1.5 and moved from RHC 3.3.4 to RHC 3.2.1.

R.61-65 RHC 3.3.5

This subsection was revised for simplicity and moved from RHC 3.3.5 to RHC 3.1.3.

R.61-65 RHC 3.3.6

This subsection was revised to delete “or open entrances to High Radiation Areas.” Controlling access to radiation areas is addressed in RHC 3.3.1.3. This subsection was moved from RHC 3.3.6 to RHC 6.3.1.

R.61-65 RHC 3.3.7

This subsection was deleted in its entirety. This requirement is addressed in R.61-64, X-Rays (Title B).

R.61-65 RHC 3.3.8

This subsection was revised to clarify steps that must be taken to operate a particle accelerator with an interlock that is intentionally bypassed. This subsection was moved from RHC 3.3.8 to RHC 6.3.6.

R.61-65 RHC 3.4

The title of this section was revised from “Equipment Controls” to “Particle Accelerator Controls and Interlock Systems” and moved from RHC 3.4 to RHC 6.1. The title of this section was replaced with “Authority and Responsibility for the Radiation Safety Officer” and revised grammatically by deleting the “.” between “RHC 3.4” and “Authority and Responsibility for the Radiation Safety Officer.”

R.61-65 RHC 3.4.1

This subsection was revised to specify the instrumentation, readouts and controls on the particle accelerator must be clearly identified and easily discernible. This subsection was moved from RHC 3.4.1 to RHC 6.1.1. This subsection was replaced to clarify what registrants must allow so that the Radiation Safety Officer may perform the duties set forth in these regulations. This gives the appointed Radiation Safety Officer the authority and opportunity to perform required duties.

R.61-65 RHC 3.4.1.1

This subsection subitem was added to clarify duties that the registrant must allow the Radiation Safety Officer to perform. This gives the appointed Radiation Safety Officer the authority and opportunity to identify radiation safety problems.

R.61-65 RHC 3.4.1.2

This subsection subitem was added to clarify duties that the registrant must allow the Radiation Safety Officer to perform. This gives the appointed Radiation Safety Officer the authority and opportunity to provide corrective actions to radiation safety problems.

R.61-65 RHC 3.4.1.3

This subsection subitem was added to clarify duties that the registrant must allow the Radiation Safety Officer to perform. This gives the appointed Radiation Safety Officer the authority and opportunity to stop unsafe operations.

R.61-65 RHC 3.4.1.4

This subsection subitem was added to clarify duties that the registrant must allow the Radiation Safety Officer to perform. This gives the appointed Radiation Safety Officer the authority and opportunity to verify corrective actions are being put into practice.

R.61-65 RHC 3.4.2

This subsection was revised to include specific devices that may be used to secure the control of the particle accelerator. This subsection was moved from RHC 3.4.2 to RHC 6.1.2. This subsection was replaced with the requirement of establishing investigative limits with respect to annual occupational exposure limits. This requires the registrant to document, investigate and correct the radiation safety practices of personnel whose dose exceeds the limits set in place by the Radiation Safety Officer.

R.61-65 RHC 3.4.3

This subsection was revised to include the condition that the interlocks shut down the machine if a barrier leading to a high radiation area is penetrated. This prevents exposure to personnel who may penetrate the barrier during operation. This subsection was moved from RHC 3.4.3 to RHC 6.1.3.

R.61-65 RHC 3.4.4

This subsection was revised to require the tripped interlock to be reset at its location before the particle accelerator is reset at the main control panel. This prevents the operator from overriding the tripped scram button from the control panel. This subsection was moved from RHC 3.4.4 to RHC 6.1.7.

R.61-65 RHC 3.4.5

This subsection was revised to include the requirement making it necessary to reset a scram button manually before being allowed to restart the particle accelerator from the main control panel. This prevents the operator from overriding the tripped scram button from the control panel. This subsection was moved from RHC 3.4.5 to RHC 6.1.8.

R.61-65 RHC 3.4.6

This subsection was moved from RHC 3.4.6 to RHC 6.1.5.

R.61-65 RHC 3.4.7

This subsection was revised to include the need for the electrical circuit diagrams to be available to the operators and to the Department for review. This subsection was moved from RHC 3.4.7 to RHC 6.3.5.

R.61-65 RHC 3.4.8

This subsection was revised by removing the requirement stating that registrants shall check and service all safety and warning devices after 500 hours of operation, not to exceed six months. Instead these devices shall

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be checked at least on a quarterly basis. This interval was established by the Conference of Radiation Control Program Directors in the Suggested State Regulations for Control of Radiation. This subsection was also changed to require the results of the testing to be available to the Department for review. This subsection was moved from RHC 3.4.8 to RHC 6.3.4.

R.61-65 RHC 3.5

The title of this section was revised to add the word “Requirements” to the end of “Radiation Monitoring.” The title of this section was revised grammatically by deleting the “.” between “RHC 3.5” and “Radiation Monitoring Requirements.” and moved from RHC 3.5 to RHC 6.4.

R.61-65 RHC 3.5.1

This subsection was revised to include the requirement for all portable monitoring equipment to be operable and appropriately calibrated for the radiation energy levels encountered at the facility annually or after servicing and repair. This prevents inaccurate readings from equipment that is not calibrated properly. This subsection was moved from RHC 3.5.1 to RHC 6.4.1.

R.61-65 RHC 3.5.2

This subsection was revised by removing specific types of monitors allowed for use for continuous monitoring of high radiation areas. This subsection was revised to require high radiation areas to be monitored continuously with monitors that are electrically independent of the accelerator control and interlocks. The monitor must allow readings to be observed at the control panel. This ensures the operator is aware of the radiation levels in the monitored area before entering that area. This subsection was moved from RHC 3.5.2 to RHC 6.4.3.

R.61-65 RHC 3.5.2.1

This subsection subitem was revised to require any entrance into a high radiation area be equipped with an indicator light indicating radiation is being produced instead of indicating when a predetermined limit has been met. This ensures personnel are aware that radiation is being produced. This subsection subitem was moved from RHC 3.5.2.1 to RHC 6.2.1.

R.61-65 RHC 3.5.2.2

This subsection subitem was deleted in its entirety. Registrants are not limited to audible personal monitors.

R.61-65 RHC 3.5.2.3

This subsection subitem was deleted in its entirety. Operators are not required to carry portable survey instruments into high radiation areas since it is required that all high radiation areas are continuously monitored.

R.61-65 RHC 3.5.2.4

This subsection subitem was deleted in its entirety. Monitors approved by the Department are those monitors that satisfy these regulations.

R.61-65 RHC 3.5.3

This subsection was deleted in its entirety. Monitoring of individuals in restricted areas is addressed in RHC 4.1.2 of these regulations.

R.61-65 RHC 3.6

The title of this section was deleted in its entirety. Radiation surveys are addressed in RHC 6.4 “Radiation Monitoring Requirements” of these regulations.

R.61-65 RHC 3.6.1

This subsection was deleted in its entirety. This subsection is addressed in RHC 6.4 “Radiation Monitoring Requirements” of these regulations.

R.61-65 RHC 3.6.2

This subsection was revised to include additional circumstances requiring a radiation survey. This subsection was moved from RHC 3.6.2 to RHC 6.4.2.

R.61-65 RHC 3.6.3

This subsection was revised and broken up into several separate subsections for clarity. The statement that required frequency of radiation protection surveys was reworded for clarity and moved from RHC 3.6.3 to RHC 6.4.2. The statements concerning records of the survey was revised to include a diagram of the area along with the use of quantified results while conforming to the registrant's written procedures and moved from RHC 3.6.3 to RHC 6.4.4 through RHC 6.4.6.

R.61-65 RHC 3.7

The title of this section was revised from "Minimum Subjects to be Covered in Training of Particle Accelerator Operators" to "Minimum Subjects to be Covered in Training Radiation Safety Officers and Operators" and moved from RHC 3.7 to RHC 3.2.

R.61-65 RHC 3.7.1

This subsection was revised grammatically by changing the "." at the end of the subsection to a ":" and moved from RHC 3.7.1 to RHC 3.2.1.1.

R.61-65 RHC 3.7.1.1

This subsection subitem was revised to encompass beta, gamma, and x-radiation into ionizing radiation for simplicity and moved from RHC 3.7.1.1 to RHC 3.2.1.1.1.

R.61-65 RHC 3.7.1.2

This subsection subitem was revised to include the base units of radiation dose, rem and Sievert. This subsection subitem was moved from RHC 3.7.1.2 to RHC 3.2.1.1.2.

R.61-65 RHC 3.7.1.3

This subsection subitem was revised to include the hazards of any exposure to radiation and moved from RHC 3.7.1.3 to RHC 3.2.1.1.3.

R.61-65 RHC 3.7.1.4

This subsection subitem was revised to include all sources of radiation and moved from RHC 3.7.1.4 to RHC 3.2.1.1.4.

R.61-65 RHC 3.7.1.5

This subsection subitem was revised to specify general methods of controlling radiation dose and moved from RHC 3.7.1.5 to RHC 3.2.1.1.5.

R.61-65 RHC 3.7.1.5.1

This subsection subitem was moved from RHC 3.7.1.5.1 to RHC 3.2.1.1.5.3.

R.61-65 RHC 3.7.1.5.2

This subsection subitem was deleted in its entirety. Training in interlock systems is addressed in RHC 3.2.1.3.

R.61-65 RHC 3.7.1.5.3

This subsection subitem was deleted in its entirety. Operating and emergency procedures training is addressed in RHC 3.2.1.5.

R.61-65 RHC 3.7.1.5.4

This subsection subitem was deleted in its entirety. Radiation detection instrumentation training is addressed RHC 3.2.1.2.

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R.61-65 RHC 3.7.2

This subsection was revised to include specific types of personnel monitoring equipment to be discussed during training and moved from RHC 3.7.2 to RHC 3.2.1.2.3.

R.61-65 RHC 3.7.3

This subsection was revised to include training in interlock systems of particle accelerators and moved from RHC 3.7.3 to RHC 3.2.1.3.

R.61-65 RHC 3.7.4

This subsection was revised for organizational purposes and moved from RHC 3.7.4 to RHC 3.2.1.4.

R.61-65 RHC 3.7.5

This subsection was revised for organizational purposes and moved from RHC 3.7.5 to RHC 3.2.1.5.

R.61-65 RHC 3.7.6

This subsection was deleted in its entirety. It is the responsibility of the registrant to determine the amount of on-the-job training required for each operator to be competent in the use of the particle accelerators at the facility.

R.61-65 RHC 3.7.7

This subsection was deleted in its entirety. An operator's assistant or helper is considered to be an operator under these regulations and is therefore required to be trained in accordance to these regulations.

R.61-65 RHC 3.8

This section was deleted in its entirety. The intent of this section is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.1

This subsection was deleted in its entirety. The intent of this subsection is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.2

This subsection was deleted in its entirety. The intent of this subsection is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.2.1

This subsection subitem was deleted in its entirety. The intent of this subsection subitem is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.2.2

This subsection subitem was deleted in its entirety. The intent of this subsection subitem is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.2.3

This subsection subitem was deleted in its entirety. The intent of this subsection subitem is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.2.4

This subsection subitem was deleted in its entirety. The intent of this subsection subitem is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 RHC 3.8.3

This subsection was deleted in its entirety. The intent of this subsection is addressed in RHC 3.1.3. Maintenance personnel are required to have the same training as particle accelerator operators.

R.61-65 PART IV

The title of this part was changed from “REGISTRATION OF PARTICLE ACCELERATORS” to “PERSONNEL MONITORING REQUIREMENTS.” The new title was bolded and capitalized for stylistic purposes.

R.61-65 RHC 4.1

The title of this section was deleted in its entirety and replaced with “Personnel Monitoring.” The content of this section was revised to specify the registration of the control and tube of the particle accelerator and the facility and moved from RHC 4.1 to RHC 2.1.

R.61-65 RHC 4.1.1

This subsection was added to outline requirements for operators and Radiation Safety Officers to wear personnel monitoring equipment.

R.61-65 RHC 4.1.2

This subsection was added to include all provisions of Part III of R.61-64, X-Rays (Title B) in the requirements for personnel monitoring in accordance with these regulations.

R.61-65 RHC 4.2

This section was revised by deleting the “s.” at the end of “Registration Procedures.” and bolded for stylistic purposes. This section was moved from RHC 4.2 to Part II.

R.61-65 RHC 4.2.1

This subsection was deleted in its entirety. Registration procedures are addressed in Part II of these regulations.

R.61-65 RHC 4.3

This section was deleted in its entirety. The Radiation Safety Officer is addressed in RHC 1.3.2.

R.61-65 RHC 4.3.1

This subsection was revised to clarify that the individual responsible for radiation safety is the Radiation Safety Officer and moved from RHC 4.3.1 to RHC 1.3.2.

R.61-65 RHC 4.3.1.1

This subsection subitem was moved from RHC 4.3.1.1 to RHC 1.3.2.1.

R.61-65 RHC 4.3.1.2

This subsection subitem was revised to require the Radiation Safety Officer to develop and implement a radiation safety program instead of simply recommend a program. This subsection subitem was moved from RHC 4.3.1.2 to RHC 1.3.2.2.

R.61-65 RHC 4.3.1.3

This subsection subitem was moved from RHC 4.3.1.3 to RHC 1.3.2.3.

R.61-65 RHC 4.3.1.4

This subsection subitem was revised grammatically and to make the Radiation Safety Officer responsible for giving radiation safety instructions. This subsection subitem was moved from RHC 4.3.1.4 to RHC 1.3.2.4.

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R.61-65 RHC 4.4

This section was deleted in its entirety. The Department does not provide the registrant with a Notice of Registration.

R.61-65 RHC 4.5

This section was deleted in its entirety. Report of change is addressed in Part II of R.61-64, X-Rays (Title B).

R.61-65 RHC 4.5.1

This subsection was deleted in its entirety. Report of change is addressed in Part II of R.61-64, X-Rays (Title B).

R.61-65 RHC 4.6

This section was deleted in its entirety. Registrants are not required to re-register equipment with the Department.

R.61-65 RHC 4.6.1

This subsection was deleted in its entirety. Registrants are not required to re-register equipment with the Department.

R.61-65 RHC 4.7

This section was updated for clarity and moved from RHC 4.7 to RHC 1.2.2.

R.61-65 RHC 4.7.1

This subsection was deleted in its entirety. Prohibited advertisement is addressed in Part I of R.61-64, X-Rays (Title B).

R.61-65 RHC 4.8

This section was deleted in its entirety. Applicable provisions are addressed in RHC 2.1.2.

R.61-65 RHC 4.8.1

This subsection was revised for stylistic purposes and moved from RHC 4.8.1 to RHC 2.1.2.

R.61-65 RHC 4.9

This section was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1

This subsection was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.1

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.2

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.3

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.4

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.5

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.9.1.6

This subsection subitem was deleted in its entirety. Facilities with particle accelerators are required to register as a facility. This is not an alternate registration to be maintained in lieu of equipment registration. Acquiring a Facility Registration Approval is addressed in RHC 2.3.

R.61-65 RHC 4.10

This section was deleted in its entirety. Exemptions from the registration of particle accelerators are addressed in RHC 2.2.4

R.61-65 RHC 4.11

This section was deleted in its entirety. The U.S Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974.

R.61-65 RHC 4.11.1

This subsection was deleted in its entirety. The U.S Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974.

R.61-65 RHC 4.11.2

This subsection was deleted in its entirety. The U.S Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974.

R.61-65 RHC 4.11.3

This subsection was deleted in its entirety. The U.S Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974.

R.61-65 RHC 4.11.4

This subsection was deleted in its entirety. The U.S Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974.

R.61-65 RHC 4.12

This subsection was deleted in its entirety. Equipment that is exempt from these regulations is addressed in RHC 2.2.

R.61-65 RHC 4.12.1

This subsection was revised to include the exemptions of any video display terminal and computer monitor when used without modification. This subsection was moved from RHC 4.12.1 to RHC 2.2.1.

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R.61-65 RHC 4.12.2

This subsection was revised to clarify conditions required in order for other electronic equipment to be exempt from registration. The dose equivalent rate must be averaged over a ten square centimeter area and be less than 0.5 mR per hour at 5 cm at any accessible surface. This allows for a more consistent measurement so that a more accurate determination of qualifying for exemption from registration can be made. This subsection was moved from RHC 4.12.2 to RHC 2.2.2.

R.61-65 RHC 4.12.3

This subsection was revised to clarify the intent of the regulation by adding “are exempt from the requirements of this Part” to the end and moved from RHC 4.12.3 to RHC 2.2.4.

R.61-65 PART V

This part was added to designate shielding and safety design requirements. Proper shielding is required to protect all persons in the area from radiation in excess of designated limits set forth by these regulations. The title of this part was bolded and capitalized for stylistic purposes.

R.61-65 RHC 5.1

This section was added to require shielding for particle accelerators. Proper shielding is required to protect all persons in the area from radiation in excess of designated limits set forth by these regulations.

R.61-65 RHC 5.1.1

This subsection was added to require a qualified expert to be consulted in the design of a particle accelerator and to perform a radiation safety survey once the equipment is able to produce radiation. A qualified expert will possess the knowledge to supply the proper shielding to protect all persons in the area from radiation in excess of designated limits set forth by these regulations. The radiation safety survey will verify that the particle accelerator is properly shielded.

R.61-65 RHC 5.1.2

This subsection was added to ensure that each particle accelerator that is installed is supplied with the proper amount of primary and secondary shielding. This will allow all persons in the area to be protected from radiation in excess of designated limits set forth by these regulations.

R.61-65 PART VI

This part was added to organize requirements for particle accelerator controls and interlock systems. The title of this part was bolded and capitalized for stylistic purposes.

R.61-65 RHC 6.1

This section was moved from RHC 3.4 to RHC 6.1 and revised for clarity.

R.61-65 RHC 6.1.1

This subsection was moved from RHC 3.4.1 to RHC 6.1.1 and revised for clarity.

R.61-65 RHC 6.1.2

This subsection was moved from RHC 3.4.2 to RHC 6.1.2 and revised for clarity.

R.61-65 RHC 6.1.2.1

This subsection subitem was added to list an option for securing the controls of the particle accelerator. The controls should be secured to prevent unauthorized use.

R.61-65 RHC 6.1.2.2

This subsection subitem was added to list an option for securing the controls of the particle accelerator. The controls should be secured to prevent unauthorized use.

R.61-65 RHC 6.1.3

This subsection was moved from RHC 3.4.3 to RHC 6.1.3 with revised requirements.

R.61-65 RHC 6.1.4

This subsection was added to require safety interlocks to be electrically independent of all other safety interlocks. This requirement prevents all safety interlocks from failing if only one fails.

R.61-65 RHC 6.1.5

This subsection was moved from RHC 3.4.6 to RHC 6.1.5.

R.61-65 RHC 6.1.6

This subsection was added to require safety interlocks to be designed such that any defect or failure will not allow the particle accelerator to operate. This prevents the particle accelerator from operating without working safety interlocks in place.

R.61-65 RHC 6.1.7

This subsection was moved from RHC 3.4.4 to RHC 6.1.7 with revised requirements.

R.61-65 RHC 6.1.8

This subsection was moved from RHC 3.4.5 to RHC 6.1.8 with revised requirements.

R.61-65 RHC 6.2

This section was added to require warning devices be in place in particle accelerator facilities. This will ensure that all persons are aware of high radiation areas.

R.61-65 RHC 6.2.1

This subsection was moved from RHC 3.5.2.1 to RHC 6.2.1 with revised requirements.

R.61-65 RHC 6.2.2

This subsection was added to require an audible warning device to be activated for 15 seconds before the creation of a high radiation area. This will ensure that all persons are aware of the potential for the area to become a high radiation area.

R.61-65 RHC 6.2.3

This subsection was added to require barriers and pathways leading to high radiation areas to be posted in accordance with R.61-64, X-Rays (Title B). This will ensure that all high radiation areas are posted in such a way that all persons will be aware of the barriers of the high radiation area.

R.61-65 RHC 6.3

This section was added to require particular methods to be carried out during the operation of particle accelerators. Following the required methods of operation will ensure the particle accelerator is operated with all safety features in place.

R.61-65 RHC 6.3.1

This subsection was moved from RHC 3.3.6 to RHC 6.3.1 with revised requirements.

R.61-65 RHC 6.3.2

This subsection was added to ensure particle accelerators are secured when not in operation. This prevents unauthorized use of the particle accelerator.

R.61-65 RHC 6.3.3

This subsection was added to ensure that the operator does not use the interlocks to turn off the power to the machine as a standard practice. Interlocks are in place as a precautionary measure to ensure the machine is

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shielded properly during operation. Using the interlocks improperly along with a malfunction causing an interlock to fail to cut the power of the machine could result in an operator receiving excess exposure. This prevents the operator from counting on the interlock system to turn the machine off.

R.61-65 RHC 6.3.4

This subsection was moved from RHC 3.4.8 to RHC 6.3.4 with revised requirements.

R.61-65 RHC 6.3.5

This subsection was moved from RHC 3.4.7 to RHC 6.3.5 with revised requirements.

R.61-65 RHC 6.3.6

This subsection was moved from RHC 3.3.8 to RHC 6.3.6 and revised for clarity.

R.61-65 RHC 6.3.6.1

This subsection subitem was added to clarify the need to gain authorization from the Radiation Safety Officer or Radiation Safety Committee to intentionally bypass an interlock. This prevents the operation of a particle accelerator with intentionally bypassed interlocks without the consent of the person responsible for radiation safety at the facility.

R.61-65 RHC 6.3.6.2

This subsection subitem was added to clarify the need for a permanent log to be kept noting authorizations to operate a particle accelerator with interlocks intentionally bypassed. This allows the Radiation Safety Officer or Radiation Safety Committee and the Department to review the log for radiation safety practices. This subsection subitem also clarifies that a notice must be posted at the accelerator control console notifying personnel of the situation. This posting notifies persons in the area of the potential for excess radiation in the area.

R.61-65 RHC 6.3.6.3

This subsection subitem was added to clarify that the operation of a particle accelerator with interlocks intentionally bypassed must be terminated as soon as possible. This prevents extended use of the particle accelerator without all safety precautions in place.

R.61-65 RHC 6.3.7

This subsection was added to require a copy of the operating and emergency procedures be maintained at the control panel. This ensures that the proper procedures will be readily available to the operators and therefore followed as is required.

R.61-65 RHC 6.4

This section was moved from RHC 3.5 to RHC 6.4 and revised for clarity.

R.61-65 RHC 6.4.1

This subsection was moved from RHC 3.5.1 to RHC 6.4.1 with revised requirements.

R.61-65 RHC 6.4.2

This subsection was moved from RHC 3.6.3 to RHC 6.4.2 and reworded for clarity.

R.61-65 RHC 6.4.2.1

This subsection subitem was added to ensure that all surveys are done in accordance with the facility's written operating procedures established by a qualified expert or the Radiation Safety Officer. This ensures consistency between surveys and ensures the surveys are done properly in accordance with a qualified expert or the Radiation Safety Officer.

R.61-65 RHC 6.4.2.2

This subsection subitem was added to require the survey to include a diagram of the machine and the surrounding area. This ensures consistency in surveying particular points in the area so that comparisons can be made and any changes in radiation levels will be easily noticed. This will allow the person surveying the area to investigate the reason for the elevation in radiation and correct to the problem if necessary.

R.61-65 RHC 6.4.2.3

This subsection subitem was added to require survey results to be recorded as quantified units of radiation. This ensures a more accurate representation of the radiation levels measured at each point of the radiation survey while preventing terms like “okay” and “within limits” from being used.

R.61-65 RHC 6.4.3

This subsection was moved from RHC 3.5.2 to RHC 6.4.3 with revised requirements.

R.61-65 RHC 6.4.4

This subsection was added to require that all area monitors and survey instruments be calibrated annually and after each service or repair. This ensures that the equipment used to measure radiation is accurate and prevents possible excess exposure to personnel.

R.61-65 RHC 6.4.5

This subsection was added to require the users of the radiation survey instruments to check the instrument for proper operation each day it is used by using a dedicated check source. This allows the user to be sure the instrument is functioning properly before each use. This will prevent false readings of “zero” in areas where radiation is present.

R.61-65 RHC 6.4.6

This subsection was added to require the registrant to perform periodic surveys to determine the amount of airborne particulate radioactivity present. This will prevent personnel from ingesting excess radioactive particulate in the air surrounding the particle accelerator.

R.61-65 RHC 6.4.7

This subsection was added to require the registrant to perform periodic smear surveys to determine the degree of contamination on surfaces. This allows the registrant to be aware of surface contamination and possible leakage causing any excess contamination.

R.61-65 RHC 6.4.8

This subsection was added to require the registrant to retain records of all radiation protection surveys, calibrations, and instrumentation tests for five years. This subsection also requires the records to be maintained at the facility for inspection by the Department. This ensures the records required during the inspection of the facility by the Department are available.

R.61-65 PART VII

This part was added to address requirements for ventilation systems at particle accelerator facilities. This will prevent personnel from being exposed to excess radioactive material. The title of this part was bolded and capitalized for stylistic purposes.

R.61-65 RHC 7.1

This section was added to address requirements for ventilation systems at particle accelerator facilities. This will prevent personnel from being exposed to excess radioactive material.

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R.61-65 RHC 7.1.1

This subsection was added to require registrants to provide a ventilation system to ensure that personnel entering an area with airborne radioactivity will not be exposed in excess of the limits specified in R.61-63, Radioactive Materials (Title A).

R.61-65 RHC 7.1.2

This subsection was added to require registrants to refrain from venting, releasing or discharging airborne radioactive material to an unrestricted area which exceeds the limits specified in R.61-63, Radioactive Materials (Title A). This is to ensure that the release of radioactive materials to unrestricted areas is as low as reasonably achievable. This will prevent personnel in unrestricted areas from being excessively exposed to radioactive material.

R.61-65 PART VIII

This part was added to organize all necessary definitions into one part for convenience. The title of this part was bolded and capitalized for stylistic purposes.

R.61-65 RHC 8.1

This section was moved from RHC 1.2.1 to RHC 8.1 and revised to update.

R.61-65 RHC 8.2

This section was moved from RHC 1.2.2 to RHC 8.2 and revised to update.

R.61-65 RHC 8.3

This section was added to define “Adult” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.4

This section was added to define “Annually” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.5

This section was added to define “Calibration” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.5.1

This subsection was added to clarify the definition of “Calibration” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.5.2

This subsection was added to clarify the definition of “Calibration” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.6

This section was added to define “Dedicated check source” as a source of radiation with a known value used to ensure a survey instrument is operational and responding to the levels of radiation in which it is designed to measure.

R.61-65 RHC 8.7

This section was added to define “Department” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.8

This section was moved from RHC 1.3.1 to RHC 8.8 and revised to update.

R.61-65 RHC 8.9

This section was added to define “Facility” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.10

This section was added to define “Healing arts” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.11

This section was moved from RHC 2.6.3 to RHC 8.11 and revised to update.

R.61-65 RHC 8.12

This section was added to define “Individual” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.13

This section was added to define “Industrial use particle accelerator” as any particle accelerator used for nonhuman applications.

R.61-65 RHC 8.14

This section was added to define “Interlock” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.15

This section was added to define “Investigative limits” as a preset administrative level of radiation exposure over a set time established by the Radiation Safety Officer or the Radiation Safety Committee, used to prevent an individual from exceeding annual occupational exposure limits.

R.61-65 RHC 8.16

This section was added to define “‘Limits’ or ‘Dose Limits’” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.17

This section was added to define “‘Monitoring,’ ‘radiation monitoring’ or ‘radiation protection monitoring’” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.18

This section was moved from RHC 1.2.5 to RHC 8.18 and revised to update.

R.61-65 RHC 8.19

This section was moved from RHC 3.2.3 to RHC 8.19 and revised to update.

R.61-65 RHC 8.20

This section was moved from RHC 3.2.4 to RHC 8.20 and revised for accuracy.

R.61-65 RHC 8.21

This section was moved from RHC 1.2.6 to RHC 8.21 and revised to update.

R.61-65 RHC 8.22

This section was moved from RHC 1.2.7 to RHC 8.22 and revised to update.

R.61-65 RHC 8.23

This section was moved from RHC 1.2.8 to RHC 8.23 and revised to update.

R.61-65 RHC 8.24

This section was added to define “Protective barrier” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.24.1

This subsection was added to clarify a type of protective barrier and to define “Primary protective barrier” as outlined by R.61-64, X-Rays (Title B) with the removal of the phrase “other than the patient.” The removal of this phrase allows the definition to apply to nonhuman use particle accelerator installations.

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R.61-65 RHC 8.24.2

This subsection was added to clarify a type of protective barrier and to define “Secondary protective barrier” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.25

This section was added to define “Qualified expert” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.26

This section was moved from RHC 1.2.9 to RHC 8.26 and revised to update.

R.61-65 RHC 8.27

This section was moved from RHC 2.6.2 to RHC 8.27 and revised to update.

R.61-65 RHC 8.28

This section was moved from RHC 1.2.10 to RHC 8.28 and revised to update.

R.61-65 RHC 8.29

This section was added to define “Registrant” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.30

This section was added to define “Registration” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.31

This section was moved from RHC 1.3.3 to RHC 8.31 and revised to update.

R.61-65 RHC 8.32

This section was moved from RHC 1.2.11 to RHC 8.32 and revised to update.

R.61-65 RHC 8.33

This section was added to define “Revocation” as a facility’s registration is withdrawn and is required to cease operation of all particle accelerators until such time as the Department deems necessary.

R.61-65 RHC 8.34

This section was added to define “Smear survey” as a survey performed to measure the amount of removable contamination.

R.61-65 RHC 8.35

This section was moved from RHC 1.2.12 to RHC 8.35.

R.61-65 RHC 8.36

This section was moved from RHC 1.2.13 to RHC 8.36 and revised to update.

R.61-65 RHC 8.37

This section was added to define “Target” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.38

This section was added to define “Test” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.39

This section was moved from RHC 1.2.15 to RHC 8.39 and revised to update.

R.61-65 RHC 8.40

This section was added to define “Vendor” as outlined by R.61-64, X-Rays (Title B).

R.61-65 RHC 8.41

This section was added to define “Very high radiation area” as outlined by R.61-64, X-Rays (Title B).

R.61-65 Appendix A

This appendix was added to refer registrants to additional requirements outlined by R.61-64, X-Rays (Title B). The topics listed are those that will most likely be referenced by a registrant. This list is not meant to limit additional requirements found in R.61-64, X-Rays (Title B). The title of this appendix was bolded for stylistic purposes.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on December 11, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Charles G. Ditmer, Division Director, Division of Electronic Products, Bureau of Radiological Health, S.C. DHEC, 2600 Bull St., Columbia, South Carolina 29201, or by email to ditmercg@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on October 27, 2014, the close of the public comment period. Written comments received by the October 27, 2014, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on December 11, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no cost to the state and its political subdivisions with the implementation of these proposed amendments. This program is funded by the collection of fees from the regulated community as mandated by the Atomic Energy and Radiation Control Act. The Act requires the cost of running the program to be recovered through the collection of fees. See Determination of Costs and Benefits in the Statement of Need and Reasonableness herein.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-65, Particle Accelerators, (Title C).

Purpose: The amendment of R.61-65 is to update the regulation pertaining to particle accelerators and facilities that utilize particle accelerators.

Legal Authority: R.61-65, Particle Accelerators (Title C) is authorized by 1976 Code Section 13-7-45 et seq.

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Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina *State Register*, a copy of R.61-65, that includes these amendments, will be available electronically on the Department's website under the Health Regulations Category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/> and subsequently in the Code of Regulations of the S.C. Code of Laws. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

These revisions are needed in order to update the existing regulation due to changes in national standards of dosimetry. R.61-65 was last revised on July 27, 1984. The proposed changes will clarify the requirements of facilities that utilize particle accelerators as well as state the responsibility of the radiation safety officer. The proposed language changes will clarify many Sections and Parts of the regulation. This update will add new requirements that will promote greater health and safety to the public, delete requirements that are no longer applicable, and make stylistic and grammatical changes for clarity.

The changes are reasonable due to the fact that they will specify current national requirements of dosimetry and will be implemented with existing staff.

DETERMINATION OF COST AND BENEFITS:

This program is funded by the collection of fees from the regulated community as mandated by the Atomic Energy and Radiation Control Act. This Act requires the cost of running the program to be through the collection of fees. Fees are addressed and enforced through R.61-64, X-Rays (Title B). Pursuant to the implementation of the proposed revised regulation, fees will be referenced in R.61-65 for convenience and clarification.

See Preliminary Fiscal Impact Statement above for cost to the State and its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no known uncertainties of estimates.

EFFECTS ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect upon the environment, provided that limits specified by R.61-63, Radioactive Materials (Title A), are adhered to. The amendments will have a positive effect upon the public health of the citizens of the state. The proposed revision of R.61-65 will clarify the entire regulation.

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

There will be no detrimental effects on the environment if these changes are not implemented. The public health of the citizens would not be reduced over that which is present with the current regulations, however it would be increased with the added proposed requirements and clarifications.

Statement of Rationale:

As a result of the 2012, statutory five-year review of this regulation and due to advancing technologies, the Department has determined it necessary to substantially amend R.61-65. The revisions are intended to update the regulation based on current Departmental practices, national standards, and practices that will better

promote safety to facilities that utilize particle accelerators. The proposed language changes will result in clarifying the regulation by making them more specific, better organized, and the intent of the regulation more clear. In addition, revisions also include amending the fee structure in accordance with the governing statute.

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. 4483
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Section 44-1-140

61-47. Shellfish

Preamble:

Regulation R.61-47 was last substantively amended on June 27, 2008. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. For South Carolina shellfish to be acceptable for interstate and international commerce, the regulation must be consistent with the requirements of the National Shellfish Sanitation Program (NSSP), as determined by the US Food and Drug Administration (FDA).

The purpose of this amendment is to improve R.61-47 and update the regulation to be consistent with the latest version of the NSSP Guide for the Control of Molluscan Shellfish (2013). The proposed amendments include the following changes:

- (1) Times allowed from harvest to mechanical refrigeration will be modified to limit the growth of pathogens after the harvest of shellfish,
- (2) A tempering plan for the gradual temperature reduction of harvested clams will be allowed to facilitate the summer harvest of clams,
- (3) The number and frequency of confirmed Vibro-related illnesses needed to trigger further temperature control measures will be modified,
- (4) Certified reshipping facilities no longer will be required to add additional labels to shellfish containers prior to further distribution,
- (5) Certified shippers will be required to receive annual training for the safe and sanitary handling of shellfish,
- (6) Time-temperature recording device will be required when shipping shellfish from one certified shipper to another certified shipper for shipments lasting greater than 4 hours, and
- (7) Stylistic changes are made including corrections for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

A Notice of Drafting for this proposed regulation was published in the *State Register* on April 25, 2014.

Section-by-Section Discussion of Proposed Regulations

The statutory authority for this regulation is added in the text under the title of the regulation and before the table of contents for consistency with other agency regulations.

61-47.A. General Provisions

Section 61-47.A.2.a(6) - Grammatical correction - the word "which" is deleted.

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61-47.A. General Provisions

Section 61-47.A.2(II) is changed to reference the latest version of the document.

61-47.B. Growing Area Survey and Classification

Section 61-47.B.7(e)(4) - A computer transcription error was found in the current text whereas the superscript was published incorrectly. This subitem is being changed to write out in text form the correct mathematical expression to avoid future computer software wordprocessing conversion problems in electronic publications of this regulation.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.1(e) is added to be consistent with the 2013 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish and requires certified shippers to receive annual training for the safe and sanitary handling of shellfish.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.2(c) introductory paragraph, the word “environmental” is being replaced by “internal” to clarify that the “internal” temperature of the shellstock is the measurement criteria being addressed in this section.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.2(c)(1) is being changed to be consistent with the 2013 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. The change is a modification to the time from harvest to mechanical refrigeration as determined by environmental conditions at the time of harvest and allows for a tempering plan to facilitate the summer harvest of clams.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Sections 61-47.C.2(c)(2) and (3) are being changed to be consistent with the 2013 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. The change is a modification to the number and frequency of confirmed Vibro-related illnesses needed to trigger reductions in the time allowed from harvest to mechanical refrigeration.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.2(c)(4) is deleted because control measures for Vibro parahaemolyticus now will be based on confirmed illnesses, not a risk evaluation as described in this section.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.2(d)(1) is changed to remove the retagging requirement for a certified reshipper.

61-47.C. Harvesting, Handling, and Transportation of Shellfish

Section 61-47.C.3(c)(3)(b)(5) is added to be consistent with the 2013 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. This change requires that shellfish shipments that exceed a shipping time of greater than four (4) hours must include a time-temperature recording device when shipments are from one certified shipper to another certified shipper.

61-47.D. Special Shellstock Handling

61-47.D.3(d)(3)(j)(iv) revised the word “disinfections” to “disinfection.”

61-47.F. Laboratory Procedures

61-47.F.4(b) corrects the spelling of the word “bioassy” to “bioassay.”

Notice of DHEC Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control (DHEC/Department) invites the public and regulated community to attend a staff-conducted informational forum to be held on October 27, 2014, at 1:00 p.m. at the Department of Natural Resources (DNR) Auditorium, 217 Fort Johnson Road, Charleston, SC. The purpose of the forum is to expand opportunity for interested persons to contribute input on the proposed amendments of R.61-47.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Mike Pearson, Myrtle Beach EQC Office, South Carolina Department of Health and Environmental Control, 927 Shine Avenue, Myrtle Beach, SC 29577; by email at pearsodm@dhec.sc.gov or fax at (843) 238-4518. To be considered, comments must be received no later than 5:00 p.m. on October 31, 2014, the close of the public comment period. Comments received at the forum and/or submitted in writing by the close of the comment period on October 31, 2014, shall be considered by staff in formulating the final proposed regulations for public hearing on December 11, 2014, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the State Register on September 26, 2014, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. In the Update, click on the Water category and scan down to the proposed amendments of R.61-47. A copy can also be obtained by contacting Mike Pearson at the above address or by calling (843) 238-4378, or by email at pearsodm@dhec.sc.gov.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/or written comments on the proposed amendments of R.61-47 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 11, 2014. The Board will conduct the public hearing in the Board Room, Third floor, Aycok Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. 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 the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

Statement of Need and Reasonableness:

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9) through (11):

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DESCRIPTION OF REGULATION: 61-47, Shellfish.

Purpose: The purpose of these amendments is to update R.61-47 to be consistent with the latest version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (2013). The amendments include changes to certain control measures intended to limit the growth of pathogens after the harvest of shellfish, a simplification of the retagging requirements for certified reshippers, a requirement for certified shippers to receive annual training for the safe and sanitary handling of shellfish, and stylistic changes are made including corrections for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

Legal Authority: 1976 Code Section 44-1-140.

Plan for Implementation: Upon approval by the General Assembly and publication in the State Register as final regulations, a copy of R.61-47, to include these amendments, will be available electronically on the Department's internet site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water/> under the Water category and subsequently in the Code of Regulations of the S.C. Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments are needed and reasonable because they will incorporate National Shellfish Sanitation Program minimum guidance criteria that have been implemented since the last revision of this regulation. Regulatory adoption of National Shellfish Sanitation Program minimum guidance criteria and standards are necessary to ensure a high degree of public health protection for consumers of shellfish. State and industry compliance with these minimum criteria and standards ensures that South Carolina shellfish are acceptable for interstate and international commerce.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of these amendments will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of these amendments.

External Costs: There are minimal external costs for implementing the proposed amendments to this regulation.

External Benefits: These amendments will affect consumers, harvesters, processors and transporters of molluscan shellfish. The amended regulation seeks to benefit consumers of shellfish, because the amendments include requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish to protect the health of consumers of shellfish. The regulation seeks to benefit the Shellfish industry (harvesters, processors and transporters) by incorporating National Shellfish Sanitation Program minimum guidance criteria that have been implemented since the last revision of this regulation. The regulation must be consistent with the requirements of the National Shellfish Sanitation Program, as determined by the US Food and Drug Administration, for South Carolina molluscan shellfish to be acceptable for interstate and international commerce.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments will have no effect on the environment.

The amendments seek to benefit human health including requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish to protect the health of consumers of shellfish.

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

There would not be a detrimental effect on the environment.

If the amendments are not implemented, consumers of shellfish will not realize potential benefit from new or revised requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish.

Statement of Rationale:

The Department is amending this regulation to be consistent with the latest version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (2013). The regulation prescribes requirements for producers, processors, harvesters, and transporters of shellfish and is intended to protect the health of consumers of molluscan shellfish (oysters and clams).

The regulation closely follows the requirements in the National Shellfish Sanitation Program (NSSP), Guide for the Control of Molluscan Shellfish. This document was developed and is routinely updated by the Interstate Shellfish Sanitation Conference (ISSC), which includes representatives from the shellfish industry, academia, and state and federal government agencies. Department staff in the shellfish program represent South Carolina on the ISSC. The U.S. Food and Drug Administration (FDA) is the federal government agency that oversees national and international compliance with the substantive requirements of the NSSP, Guide for the Control of Molluscan Shellfish. The Department and shellfish industry in South Carolina must meet these requirements, as determined by the FDA, for South Carolina shellfish to be acceptable for interstate and international commerce. The FDA expects states to implement and enforce the latest additions and modifications to NSSP, Guide for the Control of Molluscan Shellfish as adopted by the ISSC. To implement and enforce many of the latest additions and modifications to NSSP, Guide for the Control of Molluscan Shellfish, R.61-47 must be amended as is the case with these proposed amendments to 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. 4484

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-7-260

61-84. Standards for Licensing Community Residential Care Facilities

Preamble:

Regulation 61-84 was last amended on June 25, 2010. Community residential care facilities are facilities which offer room and board and which, unlike a boarding house, provide/coordinate a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years old or older, not related to the licensee within the third degree of consanguinity. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. The proposed new amendments herein include the Department's Bureau of Health Facilities Licensing's effort to incorporate provisions relating to statutory mandates, medication management, meal service, emergency procedures, design and construction, fire and life safety, and overall licensing requirements for community residential care facilities. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on June 27, 2014.

Section-by-Section Discussion of Proposed Amendments

Statutory Authority: The statutory authority under the title of the regulation and before the table of contents was corrected.

Table of Contents

The table was revised to reflect the proposed amendments.

61-84.101 Definitions

The definitions of 61-84.101.A Abuse, 61-84.101.U Exploitation, 61-84.101.II Neglect and 61-84.101.CCC Self-Administration have been added. The definitions of 61-84.101.B (formerly 61-84.101.A) Activities of Daily Living (ADL), 61-84.101.C Administrator, 61-84.101.I (formerly 61-84.101.K) Authorized Healthcare Provider, 61-84.101.O (formerly 61-84.101.Q) Consultation, 61-84.101.T (formerly 61-84.101.X) Dispensing Medication, 61-84.101.W (formerly 61-84.101.AA) Health Assessment, 61-84.101.Y (formerly 61-84.101.CC) Individual Care Plan (ICP), 61-84.101.Z (formerly 61-84.101.EE) Inspection, 61-84.101.AA (formerly 61-84.101.FF) Investigation, 61-84.101.CC (formerly 61-84.101.HH) Legend Drug, 61-84.101.EE (formerly 61-84.101.JJ) Licensed Nurse, 61-84.101.JJ (formerly 61-84.101.OO) Nonlegend Drug, 61-84.101.PP (formerly 61-84.101.VV) Physician Assistant, 61-84.101.VV (formerly 61-84.101.CCC) Resident, 61-84.101.XX (formerly 61-84.101.EEE) Respite Care, 61-84.101.ZZ (formerly 61-84.101.GGG) Restraint, and 61-84.101.FFF (formerly 61-84.101.LLL) Suspension of License have been amended. The definitions 61-84.101.B Administering Medication, 61-84.101.E Advanced Practice Registered Nurse, 61-84.101.I Architect, 61-84.101.Y Existing Facility, 61-84.101.NN New Facility, and 61-84.101.ZZ Ramp have been deleted. The remaining definitions were renumbered to adjust the codification.

61-84.102 References

Section 61-84.102.A was amended to current writing standards of listing publication in italics text. Section 61-84.102.B was amended to delete references that are no longer applicable.

61-84.103 License Requirements

Section 61-84.103.A was revised to ensure facilities do not admit residents prior to the effective license date and to reflect the new codification listed in Section 61-84.101 Definitions. Section 61-84.103.B was revised to correct a grammatical error. Section 61-81.103.C was amended to allow previously licensed facilities the ability to operate. Section 61-84.103.G.5 was amended to clarify separate licenses are not required for facilities owned by the same entity on the same or adjoining ground. Section 61-84.103.G.6 was deleted. Section 61-84.103.N was amended to improve the grammar.

61-84.202 Inspections/Investigations

Section 61-84.202.C was amended to allow the individuals authorized to enter the facility for the purpose of inspection and or investigation. Section 61-84.202.E was revised to delete the most recent general inspections shall be available and to inform the licensee they may be charged for an inspection fee.

61-84.302 Violation Classifications

Section 61-84.302.E was amended to clarify the violations of refusal to allow authorized individuals to enter the facility. Section 61-84.302.F was amended to current standards of quoting a statute. Section 61-84.302.G was deleted.

61-84.401 General (Policies and Procedures)

Section 61-84.401.A was amended to clarify that the reviews of the policies and procedures shall be documented. Section 61-84.401.B was revised to clarify when a facility engages in a source to provide services that source shall comply with the regulation.

61-84.501 General (Staff/Training)

Sections 61-84.501.A was deleted. Section 61-84.501.A (formerly 61-84.501.B) was amended to ensure before being employed, staff members and direct care volunteers shall undergo a criminal background check. Section 61-84.501.D (formerly 61-84.501.E) was amended to add direct care volunteers. Section 61-84.501.E (formerly 61-84.501.F) was amended the information on file regarding staff members and volunteers is current. The remaining sections were renumbered to adjust the codification.

61-84.502 Administrator

Section 61-84.502.A deleted sections referencing applicable sections of the law. Section 61-84.502.B corrects the spelling of “judgment” and clarifies the capabilities of meeting the responsibilities of an administrator.

61-84.503 Staff

Section title has been revised from “Staffing” to “Staff”. Section 61-84.503.A was amended to clarify the staff member on duty was present at the facility. Section 61-84.503.B was amended to clarify the volunteers were “direct care” volunteers and to ensure those with direct care services had the proper qualifications for services rendered. Section 61-84.503.C was amended to have the facility maintain documentation for Sections 61-84.503.A and 61-84.503.B.

61-84.504. Inservice Training

Section 61-84.504.A was amended to add language to ensure staff members and direct care volunteers demonstrate a working knowledge of the training that was received. Sections 61-84.504.A.10 and 61-84.504.A.13 were added to clarify the staffs’ knowledge of the Bill of Rights for Long-Term Care Facilities. Section 61-84.504.B was deleted. 61-84.504.B (formerly 61-84.504.C) was amended to clarify that staff members and direct care volunteers should have their job orientation within twenty-four hours of their first day.

61-84.505 Health Status

Section 61-84.505.A was amended to add the language direct care volunteers.

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61-84.506 Private Sitters

Section 61-84.506.A.3 was amended to ensure the private sitter had documented orientation to the facility.

61-84.601 Accidents/Incidents

The Section 61-84.601 title was amended to include "Accidents." Sections 61-84.601.A, 61-84.601.B and 61-84.601.C were amended to the current standards of accident/incident reporting. Sections 61-84.601.D, 61-84.601.E and 61-84.601.G were deleted. Section 61-84.601.E (formerly 61-84.601.H) was amended to clarify reporting injuries to the physician not to exceed twenty-four hours. Section 61-84.601.F (formerly 61-84.601.I) was amended to clarify abuse reporting requirements. The remaining sections were renumbered to adjust the codification.

61-84.602 Fire/Disasters

Sections 61-84.602.A and 61-84.602.B were amended to clarify reporting a fire to the Department within seventy-two hours.

61-84.604 Administrator Change

Section 61-84.604 was amended that the licensee shall notify the Department with seventy-two hours of any change in the administrator status.

61-84.606 Emergency Placement Notification

The Section 61-84.606 title was amended to include "Notification." Section 61-84.606 was amended to clarify when the Department should be notified when a licensee has to have an emergency placement by the receiving facility.

61-84.607 Facility Closure

Section 61-84.607.A was revised regarding references to the "Division of Health Licensing" changed to "The Department." Section 61-84.607.B was amended to clarify the reporting time to the Department to fifteen days and in the event of emergency closure to twenty-four hours.

61-84.608 Zero Census

Section 61-84.608 was amended to clarify application and payment requirements even though a facility may have zero census.

61-84.701 Content (Resident Records)

Section 61-84.701.A was amended to clarify the records need to be maintained on site and to allow electronic media as a means of maintaining records. Section 61-84.701.B was amended to clarify that verbal orders need to be documented, specific entries regarding circumstances and condition of discharge or death, and includes maintaining information for power of attorney or responsible party.

61-84.702 Assessment

Section 61-84.702 was amended to reflect the correct definition in Section 61-84.101 and to include documenting the date of the signature of the assessment.

61-84.703 Individual Care Plan

Section 61-84.703.A was amended to clarify the Individual Care Plan shall be developed with seven days of admission and include evidence by their signatures and date. Section 61-84.703.B was corrected with grammatical changes.

61-84.704 Record Maintenance

Section 61-84.704.B was amended to allow when a resident transfers from one facility to another to include the transfer of resident records and to be documented. Sections 61-84.704.F and 61-84.704.G were revised regarding references to the "Division of Health Licensing" changed to "The Department." Section 61-84.704.H was amended to require the resident records must be maintained at the facility.

61-84.801 General (Admission/Retention)

Section 61-84.801.A was revised to correct a grammatical error. Section 61-84.801.C.5 was deleted and the remaining sections were renumbered to adjust the codification. Section 61-84.801.D was added to clarify the persons not eligible for retention. Section 61-84.801.C.5.b was relocated to Section 61-84.801.D.1. Section 61-84.801.C.5.k was relocated to Section 61-84.801.D.2. Section 61-84.801.C.4 was relocated to Section 61-84.801.D.3. Section 61-84.801.E (formerly 61-84.801.D) added the condition of hospitalization regarding changes in resident's condition. The remaining sections were renumbered to adjust the codification.

61-84.901 General (Residential Care/Services)

Section 61-84.901.A was amended to clarify that prior to admission there shall be a written agreement between the resident and the facility, advance notice of not less than thirty days to change the fee amount and the date and amount a resident is to receive his/her personal needs allowance. Sections 61-84.901.B, 61-84.901.F and 61-81.901.g were corrected with grammatical changes. Section 61-84.901.C was amended to clarify to take precautions for residents with special conditions. Section 61-84.901.D was amended to add language to include examples of personal items. Section 61-84.901.G was revised to correct some grammatical errors.

61-84.903 Recreation

Section 61-84.903.C was amended to clarify that one staff person shall be responsible for recreational activities. Section 61-84.903.E was corrected with grammatical changes.

61-84.905 Safety Precautions/Restraints

Section 61-84.905.A was amended to include chemical restraints.

61-84.1001 General (Rights and Assurances)

Section 61-84.1001.A and 61-84.1001.C were amended to correct the Federal and State references. Section 61-84.1001.G was amended to delete the exception requirement. Section 61-84.1001.J was amended to add the requirement the ICP shall be authorized by the physician or other authorized healthcare provider. Section 61-84.1001.M was amended to include the statutory mandate that a facility may charge the resident no more than fourteen days of occupancy, if the resident fails to notify in writing the administrator of the intent to voluntarily relocate.

61-84.1101 General (Resident Physical Examination and TB Screening)

Section 61-84.1101.D.1 was amended to correct a grammatical error. Section 61-84.1101.G was amended regarding the transfer of resident TB information.

61-84.1201 General (Medication Management)

Section 61-84.1201.A was amended to correct the Federal and State references.

61-84.1203 Administering Medication/Treatments

Section 61-84.1203. A was amended to include language if the ordered dosage was given on a varying schedule. Section 61-84.1203.C was amended to clarify that specific written orders for medication shall be obtained on a semi-annual basis and that staff document the resident demonstration to self-administer medication.

61-84.1204 Pharmacy Services

Sections 61-84.1204.A and 61-84.1204.C were amended to correct the Federal and State references.

61-84.1205 Medication Containers

Section 61-84.1204.C was corrected with grammatical changes.

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61-84.1206 Medication Storage

Section 61-84.1206.A was amended to clarify the storage of medication requiring refrigeration and the storage of narcotics. Section 61-84.1206.C was amended to clarify the medication requirements and to add language regarding controlled substances records.

61-84.1207 Disposition of Medications

Section 61-84.1207.A was amended to require a signature to document with the person receiving the unused medication. Sections 61-84.1207.B.2 and 61-84.1207.C were corrected with grammatical changes. Section 1207.D was amended to delete the requirement of returning controlled substances to the dispensing pharmacy.

61-84.1301 General (Meal Service)

Section 61-84.1301.A was amended regarding references to the “Division of Health Licensing” changed to “The Department” and changed the classification of “commercial kitchen” to “certified/classified equipment.” In addition, in Section 61-84.1301.A Exception was relocated from formal Section 1303. Section 61-84.1301.C was amended regarding references to the “Division of Health Licensing” changed to “The Department.” Section 61-84.1301.D was amended to clarify the language food preparation. Section 61-84.1301.E was relocated from formal Section 61-84.1309.A.

61-84.1302 Food and Food Storage

Sections 61-84.1302.A, 61-84.1302.C and 61-84.1302.E were deleted. The remaining sections were renumbered to adjust the codification.

61-84.1303 Food Equipment and Utensils

Section 61-84.1303 was deleted in its entirety.

61-84.1303 (Formerly 61-84.1304) Meals and Services

Section 61-84.1304 was renumbered to adjust the codification.

61-84.1304 (Formerly 61-84.1305) Meal Service Personnel

Sections 61-84.1305.A and 61-84.1305.C were deleted. The remaining sections were renumbered to adjust the codification.

61-84.1305 (Formerly 61-84.1306) Diets

Section 61-84.1305 was renumbered to adjust for codification.

61-84.1306 (Formerly 61-84.1307) Menus

Section 61-84.1306 was renumbered to adjust for codification.

61-84.1307 (Formerly 61-84.1308) Ice and Drinking Water

Section 61-84.1307 was renumbered to adjust for codification.

61-84.1309 Equipment

Section 61-84.1309 was deleted in its entirety.

61-84.1310 Refuse Storage and Disposal

Section 61-84.1310 was deleted in its entirety.

61-84.1401 Disaster Preparedness

Section 61-84.1401.A was amended to clarify the when the emergency evacuation plan needs to be updated and rehearsals to be performed. Section 61-84.1401.B was amended to include the emergency evacuation plan and to update the review of the sheltering facility, what is provided at the sheltering facility, accompanying the relocated residents, and transportation arrangements.

61-84.1501 Fire Prevention

Section 1501.B was amended regarding references to the “Division of Health Licensing” changed to “The Department.”

61-84.1502 Tests and Inspections

Section 1502.A was amended to the current codes adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal. Section 61-84.1502.B was deleted.

61-84.1503 Fire Response Training

Section 61-84.1503.A was amended to clarify fire response training. Section 61-84.1503.B was amended to relocate the requirement of a copy of the evacuation diagram being issued to each resident or sponsor at the time of admission to Section 61-84.1503.D.

61-84.1504 Fire Drills

Section 61-84.1504. D was corrected with grammatical changes.

61-84.1601 General (Maintenance)

Section 61-84.1601.A was deleted. Section 61-84.1601.B was amended to include the facility to comply with the provisions of codes adopted by the South Carolina Building Codes Council and South Carolina State Fire Marshal.

61-84.1701 Staff Practices

Section 61-84.1701 was corrected with grammatical changes.

61-84.1702 Tuberculin Skin Testing

Sections 61-84.1702.B, 61-84.1702.D.2.e, 61-84.1702.D.3.d and 61-84.1702.E.1.b.2 were corrected to the appropriate referenced definition.

61-84.1703 Housekeeping

Section 61-84.1703 was amended to clarify clean and free of vermin. Section 61-84.1703.B.3 was added to clarify the storage of chemicals.

61-84.1704 Infectious Waste

Section 61-84.1704 was corrected with grammatical changes.

61-84.1801 General (Quality Improvement Program)

Section 61-84.1801.A was amended to delete the requirement of the quality improvement program regarding measuring quality of the policies and procedure manuals and the effectiveness of the fire plan.

61-84.1901 General (Design and Construction)

Section 61-84.1901.A was amended to clarify the square feet per licensed bed. Sections 61-84.1901.B, 61-84.1901.C, and 61-84.1901.D were deleted.

61-84.1902 Codes and Standards

Section 61-84.1902 title was revised to delete “Local and State.” Sections 61-84.1902.A and 61-84.1902.B were amended to delete the previous language and revise to include the codes adopted by the South Carolina Building Code Council and the South Carolina State Fire Marshal. Section 61-84.1902.C was deleted.

61-84.1903 Submission of Plans

Section 61-84.1903 title was revised to delete “Construction/Systems” and add “Submission of Plans.” Sections 61-84.1903.A, 61-84.1903.B, 61-84.1903.C, and 61-84.1903.D were deleted regarding construction and systems and were written regarding the submission of plans requirements for construction. Section 61-84.1903.E was deleted.

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61-84.1904 Inspections

Section 61-84.1904 title was revised to delete “Submission of Plans and Specifications” and add “Inspections.” Sections 61-84.1904.A and 61-84.1904.B were deleted regarding submission of plans and specifications and were written regarding construction inspections.

61-84.2000 Fire Protection, Prevention and Life Safety

Section 61-84.2000 title was revised to delete “General Construction Requirements” and add “Fire Protection, Prevention and Life Safety.” Section 61-84.2001 was titled “Alarms” and added Sections 61-84.2001.A and 61-84.2001.B regarding the type of fire alarms required in the facility. Sections 61-84.2002, 61-84.2003, 61-84.2004, 61-84.2005, and 61-84.2006 were deleted.

61-84.2100 General Construction Requirements

Section 61-84.2100 title was relocated from formerly known Section 61-84.2000. Sections 61-84.2101 (formerly 61-84.2007), 61-84.2102 (formerly 61-84.2008) and 61-84.2103 (formerly 61-84.2009) were renumbered to adjust the codification. Sections 61-84.2101 (formerly 61-84.2007) and 61-84.2102 (formerly 61-84.2008) were amended to the current building codes. Section 61-84.2103 (formerly 61-84.2009) was amended clarify the manner curtains and draperies shall be arranged. Former Section 61-84.2100 Hazardous Elements of Construction was deleted in its entirety. Former Section 61-84.2200 Fire Protection Equipment and Systems was deleted in its entirety.

61-84.2104 (formerly 61-84.2206) Gases

Section 61-84.2104.A regarding handling and storage of flammable and nonflammable gases was deleted. Section 61-84.2104.A (formerly 61-84.2206.B) was renumbered to adjust the codification. Section 61-84.2104.B was added regarding the designated smoking areas.

61-84.2105 (formerly 61-84.2207) Furnishings/Equipment

Section 61-84.2105.A (formerly 61-84.2207.A) was corrected for grammatical changes. Section 61-84.2105.D (formerly 61-84.2207.D) was amended to delete the building code reference. Section 61-84.2105.D (formerly 61-84.2207.D) Exception and Section 61-84.2105.E (formerly 61-84.2207.E) were deleted.

61-84.2200 (formerly 61-84.2300) Exits

Section 61-84. 2200 (formerly 61-84.2300) was renumbered to adjust the codification.

61-84.2201 (formerly 61-84.2301) Number and Locations of Exits

Former sections 61-84.2301.A, 61-84.2301.B, 61-84.2301.C, 61-84.2301.D, 61-84.2301.E and 61-84.2301.G were deleted. Section 61-84.2201.A (formerly 61-84.2301.F) was amended to require the facility maintain halls, corridors and other means of egress free of obstructions. Section 61-84.2201.B (formerly 61-84.2301.H) was renumbered to adjust the codification.

61-84.2300 (formerly 61-84.2400) Water Supply/Hygiene

Section 61-84.2300 (formerly 61-84.2400) was renumbered to adjust the codification.

61-84.2301 (formerly 61-84.2401) Design and Construction

Former sections 61-84.2401.A, 61-84.2401.B, 61-84.2401.C, and 61-84.2401.E were deleted. Section 61-84.2301.A (formerly 61-84.2401.D) was renumbered to adjust the codification.

61-84.2402 Disinfection of Water Lines

Former Section 61-84.2402 was deleted in its entirety.

61-84.2403 Temperature Control

Former Section 61-84.2403 title “Temperature Control” was deleted and the remaining sections were renumbered to adjust the codification to Section 61-84.2301 (formerly 61-84.2401). Section 61-84.2301.B (formerly 61-84.2403.A) was corrected with grammatical changes.

61-84.2404 Stop Valves

Former Section 61-84.2404 was deleted.

61-84.2302 (formerly 61-84.2405) Cross-Connections

Section 61-84.2302 (formerly 61-84.2405) was renumbered to adjust the codification.

61-84.2406 Design and Construction of Wastewater Systems

Former section 61-84.2406 was deleted in its entirety.

61-84.2400 (formerly 61-84.2500) Electrical

Section 61-84.2400 (formerly 61-84.2500) was renumbered to adjust the codification.

61-84.2501 General (Electrical)

Former section 61-84.2501 was deleted in its entirety.

61-84.2502 Panelboards

Former section 61-84.2502 was deleted in its entirety.

61-84.2503 Lighting

Former section 61-84.2503 was deleted in its entirety.

61-84.2401 (formerly 61-84.2504) Receptacles

Section 61-84.2401 (formerly 61-84.2504) was renumbered to adjust the codification. Section 61-84.2401.A (formerly 61-84.2504.A) was amended to delete the building code reference.

61-84.2402 (formerly 61-84.2505) Ground Fault Protection

Section 61-84.2402 (formerly 61-84.2505) was renumbered to adjust the codification. Section 61-84.2402.A (formerly 61-84.2505.A) was amended to delete the building code reference. Section 61-84.2402.B (formerly 61-84.2505.B) was corrected with grammatical changes.

61-84.2403 (formerly 61-84.2506) Exit Signs

Section 61-84.2403 (formerly 61-84.2506) was renumbered to adjust the codification. Section 61-84.2403.A (formerly 61-84.2506.A) was amended to delete the requirement the letters need to be in red on a white background.

61-84.2404 (formerly 61-84.2507) Emergency Electric Service

Section 61-84.2404 (formerly 61-84.2507) was renumbered to adjust the codification.

61-84.2500 (formerly 61-84.2600) Heating, Ventilation, and Air Conditioning

Section 61-84.2500 (formerly 61-84.2600) was renumbered to adjust the codification.

61-84.2501 (formerly 61-84.2601) General (Heating, Ventilation, and Air Conditioning)

Section 61-84.2501 (formerly 61-84.2601) was renumbered to adjust the codification. Section 61-84.2501.A (formerly 61-84.2601.A) was deleted. The remaining sections were renumbered to adjust the codification.

61-84.2600 (formerly 61-84.2700) Physical Plant

Section 61-84.2600 (formerly 61-84.2700) was renumbered to adjust the codification.

61-84.2601 (formerly 61-84.2701) Facility Accommodations/Floor Area

Section 61-84.2601 (formerly 61-84.2701) was renumbered to adjust the codification. Section 61-84.2601.A (formerly 61-84.2701.A) was amended to clarify the language of homelike atmosphere.

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61-84.2602 (formerly 61-84.2702) Resident Rooms

Section 61-84.2602 (formerly 61-84.2702) was renumbered to adjust the codification. Section 61-84.2602.F (formerly 61-84.2702.F) Exception was deleted. Section 61-84.2602.G (formerly 61-84.2702.G) was amended to clarify when needed bedpans, urinals, and hot water bottles shall be provided by the facility. Section 61-84.2602.J (formerly 61-84.2702.J) Exception was deleted.

61-84.2603 (formerly 61-84.2703) Resident Room Floor Area

Section 61-84.2603 (formerly 61-84.2703) was renumbered to adjust the codification. Section 61-84.2603.A (formerly 61-84.2703.A) was deleted. Section 61-84.2603.A (formerly 61-84.2703.B) was amended to clarify each resident room shall be an outside room with and outside window or door. Section 61-84.2603.B (formerly 61-84.2703.C) was amended to clarify the requirements regarding the sleeping room floor area. The remaining sections were renumbered to adjust the codification.

61-84.2604 (formerly 61-84.2704) Bathrooms/Restrooms

Section 61-84.2604 (formerly 61-84.2704) was renumbered to adjust the codification. Section 61-84.2604.A (formerly 61-84.2704.A) was amended to include a bathroom for public use. Section 61-84.2604.B (formerly 61-84.2704.B) was deleted. Section 61-84.2604.G (formerly 61-84.2704.H) was amended to clarify the location of the bathroom for kitchen employees and the doors to the toilet facilities located in the kitchen. Section 61-84.2604.H (formerly 61-84.2704.I) was amended to clarify the building code reference. The remaining sections were renumbered to adjust the codification.

61-84.2605 (formerly 61-84.2705) Doors

Section 61-84.2605 (formerly 61-84.2705) was renumbered to adjust the codification. Sections 61-84.2605.C (formerly 61-84.2705.C), 61-84.2605.D (formerly 61-84.2705.D), 61-84.2605.E (formerly 61-84.2705.E), and 61-84.2605.K (formerly 61-84.2705.K) were deleted. Sections 61-84.2605.C (formerly 61-84.2705.F) and 61-84.2605.D (formerly 61-84.2705.G) were amended to increase the door width requirement to 36 inches.

61-84.2706 Elevators

Former section 61-84.2706 was deleted in its entirety.

61-84.2707 Corridors

Former section 61-84.2707 was deleted in its entirety.

61-84.2606 (formerly 61-84.84.2708) Ramps

Section 61-84.2606 (formerly 61-84.84.2708) was renumbered to adjust the codification. Section 61-84.2606.D (formerly 61-84.84.2708.D) was deleted. Section 61-84.2606.E (formerly 61-84.84.2708.F) was amended to clarify ramps used for wheelchairs. The remaining sections were renumbered to adjust the codification.

61-84.2709 Landings

Former section 61-84.2709 was deleted in its entirety.

61-84.2607 (formerly 61-84.2710) Handrails/Guardrails

Section 61-84.2607 (formerly 61-84.2710) was renumbered to adjust the codification. Section 61-84.2607 (formerly 61-84.2710.A) was amended to clarify handrails are required in each corridor/hallway. Section 61-84.2710.B was deleted in its entirety.

61-84.2608 (formerly 61-84.2711) Screens

Section 61-84.2608 (formerly 61-84.2711) was renumbered to adjust the codification.

61-84.2609 (formerly 61-84.2712) Windows/Mirrors

Section 61-84.2609 (formerly 61-84.2712) was renumbered to adjust the codification. Section 61-84.2609.A (formerly 61-84.2712.A) was amended to clarify the building code reference. Sections 61-84.2609.B (formerly

61-84.2712.B) and Section 61-84.2609.C (formerly 61-84.2712.C) were deleted. The remaining sections were renumbered to adjust the codifications.

61-84.2610 (formerly 61-84.2713) Janitor's Closet

Section 61-84.2610 (formerly 61-84.2713) was renumbered to adjust the codification. Section 61-84.2610 (formerly 61-84.2713) was amended to clarify all facilities shall have a lockable janitor's closet.

61-84.2611 (formerly 61-84.2714) Storage Areas

Section 61-84.2611 (formerly 61-84.2714) was renumbered to adjust the codification. Sections 61-84.2611.B (formerly 61-84.2714.B), 61-84.2611.C (formerly 61-84.2714.C) and Section 61-84.2611.D (formerly 61-84.2714.D) were deleted. Section 61-84.2611.B (formerly 61-84.2714.E) was amended to clarify the building code requirements. The remaining sections were renumbered to adjust the codifications.

61-84.2612 (formerly 61-84.2715) Telephone Service

Section 61-84.2612 (formerly 61-84.2715) was renumbered to adjust the codification. Section 61-84.2612.B (formerly 61-84.2715.B) was amended to clarify the telephone shall be provided by the facility.

61-84.2613 (formerly 61-84.2716) Location

Section 61-84.2613 (formerly 61-84.2716) was renumbered to adjust the codification.

61-84.2614 (formerly 61-84.2717) Outdoor Area

Section 61-84.2614 (formerly 61-84.2717) was renumbered to adjust the codification. Section 61-84.2614.B (formerly 61-84.2717.B) was deleted. The remaining sections were renumbered to adjust the codifications.

61-84.2700 (formerly 61-84.2800) Severability

Section 61-84.2700 (formerly 61-84.2800) was renumbered to adjust the codification.

61-84.2701 (formerly 61-84.2801) General (Severability)

Section 61-84.2701 (formerly 61-84.2801) was renumbered to adjust the codification.

61-84.2800 (formerly 61-84.2900) General

Section 61-84.2800 (formerly 61-84.2900) was renumbered to adjust the codification.

61-84.2801 (formerly 61-84.2901) General (General)

Section 61-84.2801 (formerly 61-84.2901) was renumbered to adjust the codification.

Notice of Public Hearing and Opportunity for Public Comments:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on November 13, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycok Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

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Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Gwen C. Thompson, South Carolina DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to thompsgw@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on October 27, 2014, the close of the public comment period. Written comments received by the October 27, 2014, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on November 13, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Ms. Thompson at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/> (Click on the *Update*, the Health Facilities & Services category, and scan down for this proposed amendment).

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation. There are no external costs anticipated.

Statement of Need and Reasonableness:

The Department's Bureau of Health Facilities Licensing formulated this statement determined by analysis pursuant to 1976 Code Section 1-23-115 C(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-84, *Standards for Licensing Community Residential Care Facilities*.

Purpose: The amendments to R.61-84, *Standards for Licensing Community Residential Care Facilities* will support the Department's goal of promoting and protecting the health of the public in a more efficient and effective manner. Community residential care facilities are facilities which offer room and board and which, unlike a boarding house, provide/coordinate a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years old or older, not related to the licensee within the third degree of consanguinity. These facilities are designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. The amendments pertain to provisions relating to statutory mandates, medication management, meal service, emergency procedures, design and construction, fire and life safety, and overall licensing requirements for community residential care facilities. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Section 44-7-260 and 44-7-370(A).

Plan for Implementation: Upon approval from the S.C. General Assembly and publication as a final regulation in the South Carolina State Register, a copy of R.61-84, that includes these amendments, will be available electronically on the Department's website under the Health Regulations Category at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/> and subsequently in the Code of Regulations of the S.C. Code of Laws. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will educate the regulated community on the provisions of the Act and the requirements of the regulation.

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

The Department last amended R.61-84 June 25, 2010. 1976 Code Section 1-23-120(J) requires state agencies to perform a review of its regulations every five years and update them if necessary.

Statutory mandates, issues found in the review, and the necessity for overall updates renders the proposed amendment needed and reasonable. The proposed amendments improve the construction requirements regarding the licensee. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation.

External Costs: There are no external costs anticipated.

External Benefits: The amendments update standards of licensure, procedures, and construction requirements for community residential care facilities while maintaining the interests of residents' health and safety and lessening provider burdens. The amendments update the standards to statutory mandates. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this regulation should not compromise the protection of the environment.

The amendments seek to reasonably simplify the construction requirements while providing clarification and streamlining standards in the interest of resident care and safety for the community residential care facilities. The amendments also seek to align the regulation with statutory requirements.

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

Implementation of this regulation should not compromise the protection of the environment.

If the revision is not implemented, unnecessary construction burdens may be placed on community residential care facilities. The amendments seek to improve the definitions pertinent to community residential care facilities, licensure requirements, meal service requirements, construction requirements to be current with building codes and fire and life safety codes while streamlining the standards for clarification in the interest of resident care and safety. In addition, the amendments align the regulation with statutory requirements.

Statement of Rationale:

The Department revises this regulation pursuant to the 1976 Code Section 1-23-120(J) requirement that state agencies perform a review of its regulations every five years and update them if necessary. The amendments seek to improve the regulation to be aligned with statutory mandates, to improve licensure requirements, meal service requirements, the references to building codes, constructions requirements, and fire and life safety

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codes. In addition, corrections have been made for clarity and readability, grammar, references, codification and overall improvement to the text 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. 4485
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-50 and 48-1-110

61-67. Standards for Wastewater Facility Construction

Preamble:

Regulation 61-67, *Standards for Wastewater Facility Construction*, establishes standards, for general and technical design requirements, for use by the Department in reviewing Engineering Reports, establishing Reliability Classifications and issuing State construction permits or other approval action as outlined in the regulation. This regulation applies to engineering design and construction of all wastewater treatment facilities and all wastewater collection and transmission facilities that require a construction permit or approval from the Department.

The Department proposes to amend R.61-67 to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted. Furthermore, revisions include streamlining industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit.

Minor changes were made at R.61-67.100 to remove unnecessary language for clarity and a stylistic change was made in the Table at Appendix A.

A Notice of Drafting for this proposed regulation was published in the *State Register* on April 25, 2014.

Discussion of Proposed Revisions

R.61-67.100.B

This paragraph is revised to remove un-necessary language “after the effective date of this regulation” for clarity.

R.61-67.100.D

The definition of a service connection is being amended to be consistent with the definition of a service connection for drinking water systems.

R.61-67.100.E.4.a and b

The number of copies of plans, specifications, etc., that are required to be submitted is being reduced.

R.61-67.100.E.6

The text of this section on contested permit decisions is being deleted and the section is being Reserved.

R.61-67.300.A.7

This section is being amended to allow the issuance of a treatment plant permit coincident with a discharge permit.

R.61-67.300.A.8.a

This section is being amended to clarify when construction may commence on the construction of a treatment plant permitted coincident with the discharge permit.

R.61-67.300.G.2

This section is being amended to streamline industrial pump and haul operations.

R.61-67.300.H.1 and 2

This section is being amended to remove the language related to the reduction of unit loadings since this is being changed in Appendix A.

R.61-67.Appendix A

This table is being amended to reduce the unit loading flows by 25 percent. For ease of implementation, the loading was rounded to the nearest whole number. A stylistic change is included.

Notice of DHEC Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on October 27, 2014, at 2:00 p.m. in Peoples Auditorium, Third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to expand opportunity for interested persons to contribute input on the proposed amendments of R.61-67.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Jeff deBessonnet, Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by email at debessjp@dhec.sc.gov or fax at (803) 898-4215. To be considered, comments must be received no later than 5:00 p.m. on October 31, 2014, the close of the public comment period. Comments received at the forum and/or submitted in writing by the close of the comment period on October 31, 2014, shall be considered by staff in formulating the final proposed regulations for public hearing on December 11, 2014, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the State Register on September 26, 2014, may be obtained online in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. In the Update, click on the Water category and scan down to the proposed amendment of R.61-67. A copy can also be obtained by contacting Jeff deBessonnet at the above address or by calling (803) 898-4157 or by emailing debessjp@dhec.sc.gov.

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 amendments of R.61-67, *Standards for Wastewater Facility Construction*, at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 11, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order or presentation for public hearings will be noted in the Board's

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agenda published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. 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 the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

It is anticipated that these amendments will not create any additional cost to the State. Any cost should be offset by the existing fees received with construction applications received for new wastewater facilities permitted by the Department. Regulation 61-30, *Environmental Protection Fees*, promulgated pursuant to S.C. Code Section 48-2-10 et seq., authorizes the Department to collect fees for certain wastewater construction permits. Therefore, no additional state funding is being requested; existing staff and resources will be utilized to enforce these amendments to the regulations.

Statement of Need and Reasonableness:

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9) through (11):

DESCRIPTION OF REGULATION: Amendment of R.61-67, *Standards for Wastewater Facility Construction*.

Purpose: The purpose of this amendment is to reduce unit loading flows in Appendix A by 25 percent based on the knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the nearest whole number. The proposed revisions also include having a service connection definition similar to the definition for a drinking water service connection, reducing the number of plans and other documents that need to be submitted, revisions to streamline industrial pump and haul operations and allowing issuance of a treatment plant permit coincident with a discharge permit. This revision includes a minor language change for clarification and a stylistic change to the table in Appendix A.

Legal Authority: This regulation is authorized by 1976 Code Sections 48-1-50 and 48-1-110.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-67 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

Upon approval by the General Assembly and publication in the State Register as final regulations, a copy of R.61-67, that incorporates these amendments, will be available electronically on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water/> and subsequently in the Code of Regulations of the S.C. Code of Laws. Printed copies will be available for a fee from the Department's Freedom of Information Office.

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

1. DHEC has identified areas that need to be revised to bring clarity to the regulation. Revising the applicability portion of the regulation will remove un-necessary language "after the effective date of this regulation."
2. Reducing unit loading flows in Appendix A by 25 percent is based on knowledge of water savings fixtures and improved designs of sewer collection systems. For ease of implementation, the loading was rounded to the

nearest whole number. Regarding unit loadings specified in Appendix A, after reviewing data from sewerage systems, current loadings are typically overly conservative resulting in the potential for facilities to be wasting reserve capacity. This can create an economic burden on a local community. Reducing loadings by 25 percent (e.g., lowering the design loading from residential homes from a default number of 400 gallons/day to 300 gallons/day) better approximates the loadings in a sewer system.

3. The current definition of a service connection requires a construction permit for a sewer line when a similar drinking water line does not require a permit. Based on the fact that there have not been concerns historically with the drinking water definition resulting in the conclusion that having the sewer line definition better match the water line definition would help bring consistency to the permitting program. Having a service connection definition similar to the definition for a drinking water service connection will reduce the burden to obtain a sewer construction permit in some cases.

4. With the greater availability of electronic communication, DHEC staff need fewer copies of certain components of the application package. The proposal reduces the number of plans and other documents DHEC needs to review a construction permit application.

5. Increasing the threshold for an industrial pump and haul approval will reduce the burden on industries when needing to haul small quantities of wastewater to another system. In lieu of an approval, keeping records of waste hauled is a reasonable management method in case DHEC needs this information at a later date.

6. Regarding the issuance of a treatment plant permit that depends on the issuance of a discharge permit (e.g., NPDES permit), the current regulation requires resolution of an appealed discharge permit before issuance of a construction permit for the corresponding treatment plant. This creates a burden because a third party appeal of the construction permit could be addressed along with the discharge permit if the permits could be issued together. Otherwise, a utility or industry would have long delays in resolving all matters about the construction of a new treatment facility. Therefore, this regulation is being revised to allow issuance of both the discharge and construction permit together that will reduce unnecessary burdens on permittees.

The proposed amendments are reasonable because they will clarify the existing regulation, update it based on current technologies and issues, and incorporate into regulation sound engineering practices utilized by the Department for the design of new wastewater collection, transmission, and treatment facilities. This amendment defines a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department.

The benefit is that these proposed amendments will continue to define a set of common design standards to be utilized for new wastewater facilities approved or permitted by the Department while allowing flexibility for designs in unique circumstances. Properly designed and maintained wastewater facilities will protect public health and safety and the environment of the State. It is anticipated that these amendments will not create any additional cost to the regulated community because design standards required under these amendments will be consistent with current engineering practices utilized by the Department for new wastewater collection, transmission, and treatment facilities.

DETERMINATION OF COSTS AND BENEFITS:

It is anticipated that these amendments will not create any additional cost to the State. The cost should be offset by the funds received with construction applications received for wastewater facilities. Regulation 61-30, *Environmental Protection Fees*, promulgated pursuant to S.C. Code Section 48-2-10 et seq., authorizes the Department to collect fees for certain wastewater construction permits. Therefore, no additional state funding is being requested; existing staff and resources will be utilized to enforce these amendments to the regulations. It is anticipated that these amendments will not create any additional cost to the regulated community because the design standards required under these amendments will be consistent with current guidelines utilized by the Department for new wastewater collection, transmission, and treatment facilities.

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UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this amendment would not compromise the protection of the environment or the health and safety of citizens. The effect should be beneficial because the amendment will ensure properly designed and maintained wastewater facilities which will protect public health and safety and the environment of the State.

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

There will not be a detrimental effect to the environment and public health if the proposed amendments to the regulation are not implemented. It is anticipated that the proposed amendments will: bring clarity to the regulation; reduce economic burdens on local communities by better approximating the loadings in a sewer system; reduce the burden to obtain a sewer construction permit in certain cases; reduce the amount of paperwork DHEC needs to have in order to review a construction permit application; reduce the burden on industries when needing to haul small quantities of wastewater to another system; and allow simultaneous issuance of a treatment plant permit and a discharge permit, reducing un-necessary burdens on permittees.

Statement of Rationale:

Pursuant to the Governor's Executive Order 2013-02, DHEC evaluated Regulation 61-67 for requirements that may be a burden on the regulated community without a corresponding environmental or public health benefit. No burden devoid of benefit was found. It is anticipated that the proposed amendments will: bring clarity to the regulation; reduce economic burdens on local communities by better approximating the loadings in a sewer system; reduce the burden to obtain a sewer construction permit in certain cases; reduce the amount of paperwork DHEC needs to have in order to review a construction permit application; reduce the burden on industries when needing to haul small quantities of wastewater to another system; and allow simultaneous issuance of a treatment plant permit and a discharge permit, reducing un-necessary burdens on permittees.

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. 4480
DEPARTMENT OF INSURANCE
CHAPTER 69

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

69-14. Insurance Holding Company Systems

Preamble:

The South Carolina Department of Insurance proposes to amend Regulation 69-14, Insurance Holding Company Systems. The amendments to Regulation 69-14 primarily relate to minimum standards for agreements for cost sharing services and management services, Form E (Pre-Acquisition Notification) and Form F (Enterprise Risk Report) filings. The amendments will be based upon revisions to the National Association of Insurance Commissioners (NAIC) Insurance Holding Company System model regulation (#450) that incorporated provisions related to financial reporting.

Notice of drafting for the proposed regulation was published in the *State Register* on August 22, 2014.

Section-by-Section Discussion

69-14. Section I. Forms--General Requirements

Adds requirements for Forms E (pre-acquisition notice) and F (annual enterprise risk report which identifies the material risks within the holding company system that could pose financial and/or reputational contagion to the insurer) and provides that if an applicant requests a hearing on a consolidated basis they shall also file a copy of Form A with the NAIC. Adds reference to the Director's designee and deletes the requirement that Form C be filed in each state that an insurer is authorized to do business, deletes the requirement for a manual signature of the form and deletes the requirement of a paper filing.

69-14. Section II. Forms—Incorporation by Reference, Summaries and Omissions

Adds requirements for Forms E (pre-acquisition notice) and F (annual enterprise risk report.) Adds a reference to the Director's designee.

69-14. Section III. Forms—Information Unknown or Unavailable and Extension of Time to Furnish

Makes mandatory that if it is impractical to furnish any required information, document or report when required that a separate document must be filed identifying the information, document or report in question and stating why the filing at the time required is impractical and requesting an extension of time to file.

69-14. Section IV. Forms—Additional Information and Exhibits

Adds requirements for Forms E (pre-acquisition notice) and F (annual enterprise risk report.)

69-14. Section V. Definitions

No changes.

69-14. Section VI. Subsidiaries of Domestic Insurers

No changes.

69-14. Section VII. Acquisition of Control—Statement Filing

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Adds requirement that the required information on Form E be filed in addition to Form A.

69-14. Section VIII. Amendments to Form A

No changes.

69-14. Section X. Pre-Acquisition Notification

Inserts new Section X and adds requirement for proposed merger or acquisition by a domestic insurer or non-domiciliary insurer licensed to do business in this state that a pre-acquisition notification form, Form E, be filed. Form E is not required by a non-domiciliary insurer if the acquisition is beyond the scope of SC Code 38-21-125. The amendments also provide that in addition to Form E, the Director may require an expert opinion as to the competitive impact of the proposed acquisition.

69-14. Section XI. Annual Registration of Insurers—Statement Filing

Renumbers Section from X to XI. No other changes.

69-14. Section XII. Summary of Registration—Statement filing

Renumbers Section from XI to XII. Deletes the requirement that an insurer file a copy of Form C in each state in which the insurer is authorized to do business.

69-14. Section XIII. Alternative and Consolidated Registrations.

Renumbers Section from XI to XIII. Adds the Director's designee to subsection C.

69-14. Section XIV. Disclaimers of Affiliation and Termination of Registration

Renumbers Section from XIII to XIV. No other changes.

69-14. Section XV. Transactions Subject to Prior Notice—Notice Filing

Renumbers Section from XIV to XV. Adds Subsection B setting minimum standards for agreements for cost sharing services and management services.

69-14. Section XVI. Enterprise Risk Report

Inserts new Section XVI and requires that the ultimate controlling person of an insurer required to file an enterprise risk report shall furnish the information on Form F.

69-14. Section XVII. Extraordinary Dividends and Other Distributions

Renumbers Section from XVI to XVII. Adds the director's designee to Subsection B.

69-14. Section XVIII. Adequacy of Surplus

Renumbers Section from XVII to XVIII. Adds the director's designee.

69-14. Section XIX. Severability

Renumbers Section from XVIII to XIX. No other changes.

69-14. Section XX. Effective Date

Renumbers Section from XVIII to XX. Provides the effective date of the amendments is January 1, 2016.

69-14. Form A

ITEM 2.(c) Deletes the statement that no affiliates need be identified if its total assets equal less than ½ of 1% of the total assets of the ultimate controlling person.

ITEM 3. Requires that a third party background check be included on the biographical affidavit.

ITEM 12.(a) Requires that a three-year financial projections of the insurer be attached to the financial statements.

ITEM 13. Requires applicant to provide information required by Form F within 15 days after the end of the month in which the acquisition of control occurs.

69-14. Form B

ITEM 4. Inserts language to clarify that if the ultimate controlling person is a corporation, an organization, limited liability company or other legal entity, information for the directors and executive officers must be furnished. If the ultimate controlling person is an individual outlines the biographical information that must be furnished.

ITEM 8.(b) Clarifies that if the ultimate controlling person is a corporation, organization, limited liability company or other legal entity the financial statements must include the annual financial statements of the controlling person in the insurance hold company. The financial statement must be in standard form and format adopted by the NAIC, Securities and Exchange Commission or audited GAAP financial statements. If the ultimate controlling person is an individual, personal financial statements that are reviewed by an independent public account may be filed.

69-14. Form C

Provides a summary of changes to the registration statement.

69-14. Form D

ITEM 2.(c) Adds the requirement for a statement of how the transaction meets the ‘fair and reasonable’ standard of South Carolina Code Section 38-21-250(1)(i) and renumbers previous section (c) to (d).

ITEM 5. Adds a reinsurance pooling agreement or modification as described in Codes Section 38-21-250(2)(iii)(a) to the ITEM. Adds that no notice need be given if the projected reinsurance premium or change in the insurer’s liabilities in any of the next three years in connection with the reinsurance agreement or modification is less than 5% of the insurer’s surplus as regards policyholders. Notice must be given for all reinsurance pooling agreements including modifications.

ITEM 6. Adds subitems to be furnished as follows:

- (e) a brief statement of the effect of the transaction on the insurer’s policyholder surplus.
- (f) a statement about the cost allocation methods with rationale
- (g) a statement about compliance with the NAIC Accounting Practices and Procedure Manual regarding expense allocation.

69-14. Form E

Adds Form E, pre-acquisition notification form regarding the potential competitive impact of a proposed merger or acquisition by a non-domiciliary insurer doing business in this state or by a domestic insurer.

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69-14. Form F

Adds Form F, Enterprise Risk Report.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S. C. Code, as amended, such hearing will be held on November 20, 2014, at 10:00 A.M. in the Administrative Law Court, Columbia, South Carolina. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed regulation or any other information, and any requests for a public hearing, should be submitted to Rachel Harper, South Carolina Department of Insurance, P. O. Box 100105, Columbia, S.C. 29202-2105, on or before 5:00 P.M. on October 27, 2014. The full text of the proposed regulation is available on the South Carolina General Assembly Home Page <http://www.scstatehouse.gov/regnsrch.php>. The full text may also be obtained from the promulgating agency.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 69 14, Insurance Holding Company Systems.

Purpose: The proposed amendments to the regulation will update the regulation to incorporate provisions related primarily to minimum standards for agreements for cost sharing services and management services, Form E (Pre-Acquisition Notification) and Form F (Enterprise Risk Report). The amendments will be based upon the revisions to NAIC model #450 and are a required accreditation standard that must be effective no later than January 1, 2016.

Legal Authority: 1976 Code Sections 1-23-110 et seq., 38-3-110 and 38-21-300.

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

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

The proposed amendments to the regulation are needed to ensure adequate financial reporting by Insurance Holding Company Systems and are based upon the NAIC model regulation which incorporated updated standards. The requirements are an accreditation standard and must be in effect by January 1, 2016.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. The proposed regulation will benefit our state by setting forth updated reporting standards for use by Insurance Holding Company Systems and are a required accreditation standard that must be in effect no later than January 1, 2016.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will have no impact on the environment or public health. The regulation contributes to the State's efforts to ensure that adequate financial reporting standards are in place regulating Insurance Holding Company Systems.

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

Promulgation of this regulation is crucial to ensure that adequate financial reporting procedures are used in connection with Insurance Holding Company Systems. Should the regulation not be amended by the deadline of January 1, 2016, the South Carolina Department of Insurance would not be in compliance with NAIC accreditation standards.

Statement of Rationale:

The amendments to the regulation are needed to set forth updated standards for financial reporting for Insurance Holding Company Systems. The National Association of Insurance Commissioners (NAIC) adopted revisions to the NAIC Model Rule (Regulation #450) for Insurance Holding Company Systems) to incorporate the new Form F (enterprise risk report). The proposed amendments will also add to the regulation Form E (pre-acquisition notice). Form E is a requirement in the statute but had not previously been in the regulation. The proposed amendments to Regulation 69-14 will be based upon the amendments to the NAIC Model 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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Filed: August 28, 2014 3:00pm

Document No. 4472

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 1 it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2014-15

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Migratory Bird Permit Required.

Statewide Season Dates:

September 1 - October 11 (Sept. 1-6 Afternoons only): November 15 - November 29: December 13 - January 15

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 1 – October 11)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 60 acres. 1st season – Saturdays Only beginning Sept. 20. Sept. 6 is Youth Hunt Only. Sept. 13 is Wheelin Sportsmen Hunt and morning hunting will be allowed for this event only. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy - Crackerneck WMA - 40 acres. 1st season – Sept. 3 & 17; 2nd & 3rd seasons – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Clemson University - Fant's Grove WMA - 45 acres. 1st season, Saturdays –FIELD CLOSED OCT. 4. Open 2nd & 3rd seasons – Saturdays Only

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) - 60 acres. Sept. 6, 20; Oct. 4; Nov. 22

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) - 40 acres. Dove Hunting Only - Sept. 6, 20; Oct. 4; Nov. 22

DNR - Bonneau Ferry WMA - 14 acres. September 6, 20; Oct. 4. All hunts are Youth Only.

CHARLESTON

DNR Botany Bay Plantation WMA - 70 acres. Sept. 6, 13, Nov. 22, Dec. 20, Jan. 10. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works - 20 acres. Saturdays Only. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms - 30 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. – Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field - 54 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field - 30 acres. 1st season – Sept. 6 and Wednesdays Only, beginning Sept. 17.
2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

Santee Cooper - Santee Dam WMA - 90 acres. Sept. 6, 20; Oct. 4; Nov. 29; Jan. 3.

SC Forestry Commission - Oak Lea WMA - 102 acres. Sept. 6, 20; Jan. 3 & 10.

COLLETON

DNR - Donnelley WMA - 80 acres. Sept. 6, 13, 20; Nov. 29. During 3rd season Open Wednesdays and Saturdays.

DARLINGTON

DeWitt Property - 50 acres. 1st, 2nd, and 3rd Seasons – Saturdays Only, Dove Hunting Only .

FLORENCE

Santee Cooper – Pee Dee Station Site WMA - 60 acres. 1st, 2nd, and 3rd Seasons. Saturdays Only, Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA - 35 acres. Sept. 6, 20; Oct. 4; Nov. 15; Dec. 13

***HAMPTON**

DNR - Webb Wildlife Center - 30 acres. Sept. 6 & 20; Oct. 4; Nov. 19.

DNR - Hamilton Ridge WMA - 30 acres. Sept. 6 & 20; Oct. 11; Nov. 22

LAURENS

DNR Gray Court Field - 15 acres. 1st season Saturdays Only, 2nd & 3rd seasons open Mon. - Sat.

DNR Cliff Pitts WMA - 10 acres. 1st season Saturdays Only, 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field - 47 acres. 1st, 2nd, and 3rd seasons -Saturdays Only, Dove Hunting Only

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MARLBORO

DNR - Lake Wallace WMA - 50 acres. 1st, 2nd, and 3rd seasons Saturdays Only, Dove Hunting Only.

MCCORMICK

U.S. Army Corps of Engineers - Bordeaux Work Center Field – 40 acres. Sept. 6 & 17; Oct. 8; Nov. 26, Dec. 17; Jan. 7 & 15 only, Dove Hunting Only. Hunters must sign-in & out @ 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field - 22 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon.- Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields - 30 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Cunningham Fields - 40 acres. 1st season - Saturdays Only, 2nd and 3rd season - Open Mon.- Sat.

NEWBERRY

SCDOT McCullough Field - 30 acres. Saturdays Only, Dove Hunting Only .

DNR Belfast WMA - 26 acres. Sept. 6 is Youth Hunt Only. Sept. 13; Oct. 4; Nov. 27, 28, 29; 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center - 18 acres. 1st and 2nd seasons - Saturdays Only, 3rd season – Closed. Dove hunting only.

U.S. Forest Service – Long Creek Tract – 20 acres. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. Sept. 6 is Youth Hunt Only. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 13, 2nd season – Open November 22 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field - 35 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only

ORANGEBURG

Santee Cooper - Santee Cooper WMA - 45 acres. Entire WMA under Dove Area Regulations. Sept. 6 is Youth Hunt Only. Sept. 13; Oct. 4; Nov. 22; Jan. 3.

PICKENS

DNR Property - 40 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only. Dove Hunting Only

Clemson University - Gravely WMA - Causey Tract - 25 acres. Open 1st, 2nd & 3rd seasons - Saturdays Only

DNR Property – Jocassee Gorges – Cane Creek Field – 15 acres. Open 1st, 2nd & 3rd seasons Wednesday Only, beginning Sept. 17.

SALUDA

SCE&G Saluda River Field - 28 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.
U.S. Forest Service Saluda Field (Sumter National Forest - Long Cane District) - 69 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field - 15 acres. Saturdays only. Dove hunting only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 – 50 acres. Sept. 6 is Youth Hunt Only. 1st season - Saturdays Only. 2nd & 3rd seasons open Mon – Sat.

Tuomey Fields Field A – 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat. Dove hunting only.

Tuomey Fields Field B – 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat. Dove hunting only.

UNION

DNR Thurmond Tract - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field - 40 acres. Sept. 6 is Youth Hunt Only. 1st season Saturdays Only - Beginning Sept. 13, 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract - 45 acres (two fields). 1st season – Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA - 40 acres . 1st season – Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults accompanying youth do NOT have to be licensed or possess a WMA permit. (3) Adults must remain in the field and closely supervise participating youth at all times. (4) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (5) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Power of Partnerships Field, September 6.

BERKELEY COUNTY YOUTH HUNT

Bonneau Ferry WMA September 6, 20; Oct. 4.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA September 6, 13; Nov. 22; Dec. 20; Jan. 10.

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NEWBERRY COUNTY YOUTH HUNT

Belfast WMA September 6.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 6.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1, September 6.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 6.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 6.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: August 28, 2014 3:00pm

Document No. 4473

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas begin September 1 it is necessary to file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

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

A. Game Zone 1**3. Stumphouse WMA**

(a) In order to fish or hunt Stumphouse WMA each adult (21 or older) must have at least one youth 17 or under accompanying them. Senior Citizens over 65 years of age may fish without a youth present. No motorized vehicles or horses allowed on the property except in designated parking areas. Walk in use only.

(b) Game Zone 1 seasons and bag limits, except small game only between Thanksgiving Day and Mar. 1.

~~(b) Primitive Weapons for Deer.~~

~~(i) Oct. 1 through Oct. 10~~

~~(c) Still Gun Hunts for Deer.~~

~~(i) Oct. 11 through Oct. 16; Oct. 31—Wed. before Thanksgiving.~~

~~(d) Small Game~~

~~(i) No hunting before Thanksgiving Day or after Mar. 1, otherwise Game Zone 1 seasons and bag limits apply.~~

GENERAL REGULATIONS

DEER

4.4 Deer either-sex days for still gun hunts on WMAs are as follows:

(c) In all Game Zones, hunters using archery equipment may take either-sex during all archery only and primitive weapon seasons for deer without being required to tag the animal. Game Zone WMA limits apply.

4.5 For all WMAs combined statewide, the limit for all seasons and methods combined is two deer per day, 5 deer total, no more than two bucks, unless otherwise specified. Antlerless deer limit is one deer per day, unless otherwise specified. Buck only, except either-sex on Game Zone either-sex days. ~~For all WMAs combined, a maximum of two individual antlerless deer tags may be used during primitive weapons or gun deer seasons in Game Zones 2–6.~~

4.6 Individual Deer Tags: ~~Individual Antlerless Deer Tags are not valid in Game Zone 1. Individual antlerless deer tags are valid in Game Zones 1 & 2 beginning Oct. 1 and in Game Zones 3-6 beginning September 15. For all WMAs combined, a maximum of two individual antlerless deer tags may be used during primitive weapons or gun deer seasons in all Game Zones except only one individual antlerless deer tag may be used in Game Zone 1. Tags are valid in Game Zones 3-6 beginning September 15 and in Game Zone 2 beginning Oct. 1.~~ Tags do not alter the daily (1 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

DOGS

5.2 ~~Dogs may be trained for quail, rabbit and squirrel hunting from September 1 thru September 14 (no guns). On all WMA lands in Game Zones 1 and 2, dogs may not be used for rabbit hunting during still gun hunts for deer or bear. Dogs may be used for rabbit hunting from the close of the season for deer until the close of the rabbit season. Dogs may be trained for quail and rabbit hunting from September 1 through September 14 (no guns).~~

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WATERFOWL & DOVE REGULATIONS

10.14 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve, Santee Cooper, Lake Blalock, and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

13. Dungannon

- (a) Wed. AM only during regular season
- (b) State bag limits
- (c) No hunting from the Boardwalk

41. Lake Blalock

- (a) Wed. AM only during regular season
- (b) State bag limits

10.19 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas. Hunters may not enter the areas prior to 5:00 am on hunt days.

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6.

1. Game Zone 1: The last three Saturdays in Nov.
2. Game Zones 2 – 6: The first three Saturdays in Oct.; the last three Saturdays in Nov.; the last Saturday in Dec; Jan. 1.
3. The daily bag limit on either-sex days is 1 antlerless deer.
4. On special mobility impaired and youth deer hunts sanctioned by the Department and during the statewide youth deer hunt day, participants may take antlerless deer, 1 per day.
5. Hunters using archery equipment may take either-sex during all archery-only and primitive weapons seasons for deer beginning September 15 without being required to tag the animal.
6. Individual Deer Tags: ~~Individual Antlerless Deer tags are not valid in Game Zone 1.~~ Only one (1) Individual Antlerless Deer Tag may be used in Game Zone 1. Tags are valid in Game Zones 3 – 6 beginning Sept. 15 and in Game Zones 1 & 2 beginning Oct. 1. Individual tags are not valid on properties enrolled in the Antlerless Deer Quota Program. Tags do not alter the daily (1 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.
7. Antlerless Deer Limits: Game Zone 1 - Primitive Weapons Season 1 per day, 2 total (muzzleloader is buck only except with individual antlerless deer tag). Gun Season - 1 per day, 5 total for all methods combined (Gun Season is buck only except on either-sex days or with individual antlerless tags). Game Zone 2 - Archery Only Season 1 per day, 2 total. Primitive Weapons Season 1 per day, 2 total (muzzleloader is buck only except on either-sex day or with individual antlerless tags). Gun Season 1 per day, 5 total all methods combined (firearms are buck only except on either-sex days or with individual antlerless tags). Game Zones 3 - 6, 1 per day on either-sex days or with individual antlerless tags. Game Zone season and daily limits do not apply on properties enrolled in the Antlerless Deer Quota Program.
87. Except on either-sex days, antlerless deer must be tagged immediately after harvest and before being moved from the point of kill and the tag must be validated as prescribed by the SCDNR.

Statement of Need and Reasonableness:

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

well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

The amendment of Regulations 123-40 and 123-52 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

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Document No. 4465

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Synopsis:

The United States Environmental Protection Agency (“EPA”) promulgates amendments to 40 C.F.R. Parts 50, 51, 52, 60, and 63 throughout each calendar year. Recent federal amendments include clarification, guidance, and technical amendments regarding New Source Performance Standards (“NSPS”) and National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.

The Department has amended Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to incorporate the EPA’s revision to the National Ambient Air Quality Standards for Fine Particulate Matter (“PM_{2.5}”), Sulfur Dioxide (“SO₂”), and Nitrogen Dioxide (“NO₂”) set forth in 40 C.F.R. Part 50. Additionally, the Department amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, to incorporate by reference recent federal amendments promulgated from January 1, 2013 through December 31, 2013.

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

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because these amendments were promulgated to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

A Notice of Drafting for these amendments was published in the *State Register* on March 28, 2014.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

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

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 2, Ambient Air Quality Standards: Table is revised to make the information found therein more consistent with information found on the EPA’s National Ambient Air Quality Standards table which can be found at <http://www.epa.gov/air/criteria.html>. This includes: revising the primary annual PM_{2.5} standard from 15.0 mg/m³ to 12.0 µg/m³ and retaining the level of the 24-hour PM_{2.5} standard at 35 µg/m³; including a new 1-hour SO₂ standard at a level of 75 parts per billion and revoking both the existing 24-hour and annual primary SO₂ standards; and including a new 1-hour NO₂ standard at a level of 100 parts per billion. 40 C.F.R. Parts 50, 51, 52, 53, and 58. (See as reference: January 15, 2013 (78 FR 3086); June 22, 2010 (75 FR 35520); and February 9, 2010 (75 FR 6474)).

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

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart A, Table, is amended to incorporate federal revisions at 78 FR 6674, January 30, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Da, Table, is amended to incorporate federal revisions at 78 FR 24073, April 24, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ec, Table, is amended to incorporate federal revisions at 78 FR 28052, May 13, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ja, Table, is amended to incorporate federal revisions at 78 FR 76753, December 19, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart F, Table, is amended to incorporate federal revisions at 78 FR 10006, February 12, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart CCCC, Table, is amended to incorporate federal revisions at 76 FR 28662, May 18, 2011; and 78 FR 9112, February 7, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart DDDD, Table, is amended to incorporate federal revisions at 76 FR 28662, May 18, 2011; and 78 FR 9112, February 7, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart IIII, Table, is amended to incorporate federal revisions at 78 FR 6674, January 30, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart JJJJ, Table, is amended to incorporate federal revisions at 78 FR 6674, January 30, 2013, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart OOOO, Table, is amended to incorporate federal revisions at 78 FR 58416, September 23, 2013, by reference.

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

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart A, Table, is amended to incorporate federal revisions at 78 FR 6674, January 30, 2013; 78 FR 7138, January 31, 2013; 78 FR 7488, February 1, 2013; and 78 FR 37133, June 20, 2013, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart F, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart G, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart H, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart I, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

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Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart M, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart N, Table, is amended to change Federal Register Notice page numbers to correct typographical errors. Table is amended to incorporate federal revisions at 77 FR 58220, September 19, 2012, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart O, Table, is amended to change Federal Register Notice page numbers to correct typographical errors. Table is amended to incorporate federal revisions at 71 FR 17712, April 7, 2006, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart R, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart S, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart T, Table, is amended to change Federal Register Notice page numbers to correct typographical errors. Table is amended to incorporate federal revisions at 64 FR 45187, August 19, 1999, and 64 FR 69637, December 14, 1999, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart X, Table, is amended to change Federal Register Notice page numbers to correct typographical errors. Table is amended to incorporate federal revisions at 70 FR 75320, December 19, 2005, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart Y, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart CC, Table, is amended to incorporate federal revisions at 78 FR 37133, June 20, 2013, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart DD, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GG, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart II, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart JJ, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart KK, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart LL, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart SS, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart TT, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UU, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart WW, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart YY, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEE, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GGG, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart JJJ, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart LLL, Table, is amended to change Federal Register Notice page numbers to correct typographical errors. Table is amended to incorporate federal revisions at 78 FR 10006, February 12, 2013, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart MMM, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

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Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart NNN, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart PPP, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart RRR, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart HHHH, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart ZZZZ, Table, is amended to incorporate federal revisions at 78 FR 6674, January 30, 2013; and 78 FR 14457, March 6, 2013, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEEEE, Table, is amended to change Federal Register Notice page numbers to correct typographical errors.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart PPPP, Table is amended to incorporate federal revisions at 68 FR 51830, August 28, 2003, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UUUUU, Table, is amended to change Federal Register Notice page numbers to correct typographical errors and to incorporate federal revisions at 77 FR 45967, August 2, 2012; and 78 FR 24073, April 24, 2013, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart YYYYY, Table is amended to incorporate federal revisions at 73 FR 72727, December 1, 2008, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEEEE, Table is amended to incorporate federal revisions at 72 FR 36363, July 3, 2007, by reference.

Regulation 61-62.63, National Emission Standards For Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart JJJJJ, Table is established to incorporate federal revisions at 69 FR 55217, September 13, 2004, 70 FR 76918, December 28, 2005, 71 FR 70651, December 6, 2006, 76 FR 15554, March 21, 2011, 76 FR 15608, March 21, 2011, 76 FR 28662, May 18, 2011, 78 FR 7138, January 31, 2013, and 78 FR 7488, February 1, 2013, by reference.

Instructions:

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

Text:

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

Regulation 61-62.5, Standard No. 2, shall be revised as follows:

The following table, unless otherwise noted, constitutes the primary and secondary ambient air quality standards for the State of South Carolina. The computations for determining if the applicable standard is met, along with the analytical methods to be used, will be those applicable Federal Reference Methods and Interpretations published in the Appendices to 40 Code of Federal Regulations (CFR) 50, or those methods designated as Federal Equivalent Methods (FEM) in accordance with 40 CFR 53. In the case of Gaseous Fluorides, either the double paper tape sampler method (ASTM D-3266-91 or later), the sodium bicarbonate-coated glass tube and particulate filter method (ASTM D-3268-91 or later), or an approved method may be used.

Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m ³	µg/m ³	ppm	ppb
Sulfur Dioxide	40 CFR 50.4 40 CFR 50.5	3 hour (secondary)	-	1300	0.5	-
	40 CFR 50.17	1 hour (primary)				75
PM ₁₀	40 CFR 50.6	24 hour	-	150	-	-
PM _{2.5}	40 CFR 50.13	24 hour (primary)	-	35	-	-
	40 CFR 50.18	Annual (primary)	-	12	-	-
		24 hour (secondary)	-	35	-	-
		Annual (secondary)	-	15	-	-
Carbon Monoxide	40 CFR 50.8	1 hour (no secondary)	40	-	35	-
		8 hour (no secondary)	10	-	9	-
Ozone	40 CFR 50.10	8 hour (1997)	-	-	0.08	-
	40 CFR 50.15	8 hour (2008)	-	-	0.075	-
Gaseous Fluorides (as HF)	State Regulation (1978)	12 hour	-	3.7	-	-
		24 hour	-	2.9	-	-
		1 week	-	1.6	-	-
		1 month	-	0.8	-	-
Nitrogen Dioxide	40 CFR 50.11	Annual	-	100	0.053	53
		1-hour				100

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Pollutant	Reference	Measuring Interval	Standard Level			
			mg/m ³	µg/m ³	ppm	ppb
Lead	40 CFR 50.16	Rolling 3-month Average	-	0.15	-	-

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

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

Subpart A - “General Provisions”

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

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]

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40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

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

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

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

40 CFR Part 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]

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

Subpart Ec - “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996”

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

40 CFR Part 60 Subpart Ec			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	October 30, 2003	[68 FR 61759]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 76	April 4, 2011	[76 FR 18407]
Revision	Vol. 78	May 13, 2013	[78 FR 28052]

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

Subpart Ja – “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”

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

40 CFR Part 60 Subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	December 19, 2013	[78 FR 76753]

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

Subpart F - “Standards of Performance for Portland Cement Plants”

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

40 CFR Part 60 Subpart F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]

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

Subpart CCCC – “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999, or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001”

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

40 CFR Part 60 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]

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

Subpart DDDD - “Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999”

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

40 CFR Part 60 Subpart DDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 70	September 22, 2005	[70 FR 55568]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	February 7, 2013	[78 FR 9112]

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

Subpart IIII- “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”

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

40 CFR Part 60 Subpart IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

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

Subpart JJJJ – “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”

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

40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]

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

Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution”

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

40 CFR Part 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]

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

Subpart A - “General Provisions”

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

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

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]

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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]

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

Subpart F - “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry”

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

40 CFR Part 63 Subpart F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 1902]
Revision	Vol. 59	September 20, 1994	[59 FR 48175]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 59	October 28, 1994	[59 FR 54131]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 60	December 12, 1995	[60 FR 63624]
Revision	Vol. 61	February 29, 1996	[61 FR 7716]
Revision	Vol. 61	June 20, 1996	[61 FR 31435]
Revision	Vol. 61	December 5, 1996	[61 FR 64572]
Revision	Vol. 62	January 17, 1997	[62 FR 2722]
Revision	Vol. 63	May 12, 1998	[63 FR 26078]
Revision	Vol. 64	April 26, 1999	[64 FR 20189]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]

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40 CFR Part 63 Subpart F			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]

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

Subpart G - “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater”

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

40 CFR Part 63 Subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19402]
Revision	Vol. 59	June 6, 1994	[59 FR 29196]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 60	December 12, 1995	[60 FR 63624]
Revision	Vol. 61	February 29, 1996	[61 FR 7716]
Revision	Vol. 61	December 5, 1996	[61 FR 64572]
Revision	Vol. 62	January 17, 1997	[62 FR 27422]
Revision	Vol. 63	December 9, 1998	[63 FR 67787]
Revision	Vol. 64	April 26, 1999	[64 FR 20189]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	December 23, 2004	[69 FR 76859]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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

Subpart H - “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks”

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

40 CFR Part 63 Subpart H			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19402]
Revision	Vol. 59	September 20, 1994	[59 FR 48175]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 60	December 12, 1995	[60 FR 63624]
Revision	Vol. 61	June 20, 1996	[61 FR 31435]
Revision	Vol. 62	January 17, 1997	[62 FR 2722]
Revision	Vol. 64	April 26, 1999	[64 FR 20189]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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

Subpart I - “National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks”

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

40 CFR Part 63 Subpart I			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19402]
Revision	Vol. 59	September 20, 1994	[59 FR 48175]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 59	October 28, 1994	[59 FR 54131]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 61	February 29, 1996	[61 FR 7716]
Revision	Vol. 61	June 20, 1996	[61 FR 31435]
Revision	Vol. 62	January 17, 1997	[62 FR 2722]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]

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

Subpart M - “National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities”

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

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40 CFR Part 63 Subpart M			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	September 22, 1993	[58 FR 49354]
Revision	Vol. 58	December 20, 1993	[58 FR 66287]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 61	June 11, 1996	[61 FR 29485]
Revision	Vol. 61	September 19, 1996	[61 FR 49263]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	July 27, 2006	[71 FR 42724]
Revision	Vol. 71	September 21, 2006	[71 FR 55280]
Revision	Vol. 73	April 1, 2008	[73 FR 17252]
Revision	Vol. 73	July 11, 2008	[73 FR 39871]

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

Subpart N - “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”

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

40 CFR Part 63 Subpart N			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	January 25, 1995	[60 FR 4948]
Revision	Vol. 60	May 24, 1995	[60 FR 27598]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 62	January 30, 1997	[62 FR 4463]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 19, 2004	[69 FR 42885]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 77	September 19, 2012	[77 FR 58220]

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

Subpart O - “Ethylene Oxide Emission Standards for Sterilization Facilities”

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

40 CFR Part 63 Subpart O			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 6, 1994	[59 FR 62585]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 62	December 9, 1997	[62 FR 64736]
Revision	Vol. 63	December 4, 1998	[63 FR 66990]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 66	November 2, 2001	[66 FR 55577]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 7, 2006	[71 FR 17712]

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

Subpart R - “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)”

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

40 CFR Part 63 Subpart R			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 14, 1994	[59 FR 64303]
Revision	Vol. 60	February 8, 1995	[60 FR 7627]
Revision	Vol. 60	June 26, 1995	[60 FR 32912]
Revision	Vol. 60	August 18, 1995	[60 FR 43244]
Revision	Vol. 60	December 8, 1995	[60 FR 62991]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 62	February 28, 1997	[62 FR 9087]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 71	April 6, 2006	[71 FR 17352]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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

Subpart S - “National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry”

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

40 CFR Part 63 Subpart S			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	April 15, 1998	[63 FR 18504]
Revision	Vol. 63	August 7, 1998	[63 FR 42238]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]

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40 CFR Part 63 Subpart S			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 63	December 28, 1998	[63 FR 71385]
Revision	Vol. 64	April 12, 1999	[64 FR 17555]
Revision	Vol. 65	December 22, 2000	[65 FR 80755]
Revision	Vol. 66	May 14, 2001	[66 FR 24268]
Revision	Vol. 66	October 16, 2001	[66 FR 52537]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]

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

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

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

40 CFR Part 63 Subpart T			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 2, 1994	[59 FR 61801]
Revision	Vol. 59	December 30, 1994	[59 FR 67750]
Revision	Vol. 60	June 5, 1995	[60 FR 29484]
Revision	Vol. 63	May 5, 1998	[63 FR 24749]
Revision	Vol. 63	December 11, 1998	[63 FR 68397]
Revision	Vol. 64	July 13, 1999	[64 FR 37683]
Revision	Vol. 64	August 19, 1999	[64 FR 45187]
Revision	Vol. 64	October 18, 1999	[64 FR 56173]
Revision	Vol. 64	December 3, 1999	[64 FR 67793]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 65	September 8, 2000	[65 FR 54419]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 72	May 3, 2007	[72 FR 25138]

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

Subpart X - “National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting”

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

40 CFR Part 63 Subpart X			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	June 23, 1995	[60 FR 32587]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 61	December 12, 1996	[61 FR 65334]

40 CFR Part 63 Subpart X			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 62	June 13, 1997	[62 FR 32210]
Revision	Vol. 63	August 24, 1998	[63 FR 45007]
Revision	Vol. 64	January 29, 1999	[64 FR 4570]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 77	January 5, 2012	[77 FR 556]

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

Subpart Y - “National Emission Standards for Marine Tank Vessel Loading Operations”

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

40 CFR Part 63 Subpart Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 19, 1995	[60 FR 48388]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]

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

Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”

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

40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]

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40 CFR Part 63 Subpart CC			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	June 30, 2010	[75 FR 37730]
Revision	Vol. 76	July 18, 2011	[76 FR 42052]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]

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

Subpart DD - “National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations”

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

40 CFR Part 63 Subpart DD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34140]
Revision	Vol. 64	July 20, 1999	[64 FR 38950]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

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

40 CFR Part 63 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15006]
Revision	Vol. 63	September 1, 1998	[63 FR 46526]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

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

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

40 CFR Part 63 Subpart II			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 15, 1995	[60 FR 64330]
Revision	Vol. 61	June 18, 1996	[61 FR 30814]
Revision	Vol. 61	December 17, 1996	[61 FR 66226]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 29, 2006	[71 FR 78392]
Revision	Vol. 72	February 27, 2007	[72 FR 8630]
Revision	Vol. 76	November 21, 2011	[76 FR 72050]

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

Subpart JJ - “National Emission Standards for Wood Furniture Manufacturing Operations”

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

40 CFR Part 63 Subpart JJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 7, 1995	[60 FR 62930]
Revision	Vol. 62	June 3, 1997	[62 FR 30257]
Revision	Vol. 62	June 9, 1997	[62 FR 31361]
Revision	Vol. 63	December 28, 1998	[63 FR 71376]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 76	November 21, 2011	[76 FR 72050]

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

Subpart KK - “National Emission Standards for the Printing and Publishing Industry”

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

40 CFR Part 63 Subpart KK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	May 30, 1996	[61 FR 27132]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	May 24, 2006	[71 FR 29792]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]

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

Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

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

40 CFR Part 63 Subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	November 2, 2005	[70 FR 66280]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”

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

40 CFR Part 63 Subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart TT - “National Emission Standards for Equipment Leaks - Control Level 1”

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

40 CFR Part 63 Subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

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

Subpart UU - “National Emission Standards for Equipment Leaks - Control Level 2 Standards”

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

40 CFR Part 63 Subpart UU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

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

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

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

40 CFR Part 63 Subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol.67	July 12, 2002	[67 FR 46258]

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

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

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

40 CFR Part 63 Subpart YY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]
Revision	Vol. 68	February 10, 2003	[68 FR 6635]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	June 29, 2007	[72 FR 35663]

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

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors”

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

40 CFR Part 63 Subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 52828]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	June 14, 2005	[70 FR 34538]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 70	December 19, 2005	[70 FR 75042]
Revision	Vol. 71	March 23, 2006	[71 FR 14655]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	October 25, 2006	[71 FR 62388]
Revision	Vol. 73	April 8, 2008	[73 FR 18970]
Revision	Vol. 73	October 28, 2008	[73 FR 64068]

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

Subpart GGG - “National Emission Standards for Pharmaceuticals Production”

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

40 CFR Part 63 Subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	September 21, 1998	[63 FR 50280]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 66	August 2, 2001	[66 FR 40121]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	May 13, 2005	[70 FR 25671]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]

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

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

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

40 CFR Part 63 Subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48208]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1835]
Revision	Vol. 62	June 6, 1997	[62 FR 30993]
Revision	Vol. 62	July 15, 1997	[62 FR 37720]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15312]
Revision	Vol. 64	March 9, 1999	[64 FR 11536]
Revision	Vol. 64	June 8, 1999	[64 FR 30406]
Revision	Vol. 64	June 30, 1999	[64 FR 35023]
Revision	Vol. 65	June 19, 2000	[65 FR 38030]
Revision	Vol. 65	August 29, 2000	[65 FR 52319]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	June 2, 2004	[69 FR 31008]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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

Subpart LLL - “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”

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

40 CFR Part 63 Subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31898]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 78	February 12, 2013	[78 FR 10006]

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

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

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

40 CFR Part 63 Subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33550]
Revision	Vol. 66	November 21, 2001	[66 FR 58393, 58396]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart NNN - “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”

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

40 CFR Part 63 Subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31695]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart PPP - “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”

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

40 CFR Part 63 Subpart PPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29420]
Revision	Vol. 64	June 14, 1999	[64 FR 31895]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]

40 CFR Part 63 Subpart PPP			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 69	July 1, 2004	[69 FR 39862]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart RRR - “National Emission Standards for Hazardous Air Pollutant for Secondary Aluminum Production”

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

40 CFR Part 63 Subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart HHHH - “National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”

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

40 CFR Part 63 Subpart HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart ZZZZ- “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”

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

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40 CFR Part 63 Subpart ZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 75	March 3, 2010	[75 FR 9648]
Revision	Vol. 75	June 30, 2010	[75 FR 37732]
Revision	Vol. 75	August 20, 2010	[75 FR 51570]
Revision	Vol. 76	March 9, 2011	[76 FR 12863]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	March 6, 2013	[78 FR 14457]

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

Subpart EEEEE - “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries”

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

40 CFR Part 63 Subpart EEEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 22, 2004	[69 FR 21906]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]

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

Subpart PPPPP - “National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands”

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

40 CFR Part 63 Subpart PPPPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	August 28, 2003	[68 FR 51830]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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

Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”

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

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]

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

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

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

40 CFR Part 63 Subpart YYYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	December 1, 2008	[73 FR 72727]
Revision	Vol. 74	February 26, 2009	[74 FR 8756]

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

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

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

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

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

Subpart JJJJJ - “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers”

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

40 CFR Part 63 Subpart JJJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55217]
Revision	Vol. 70	December 28, 2005	[70 FR 76918]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 76	March 21, 2011	[76 FR 15554]

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40 CFR Part 63 Subpart JJJJJ			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 76	March 21, 2011	[76 FR 15608]
Revision	Vol. 76	May 18, 2011	[76 FR 28662]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 61-62, Air Pollution Control Regulations and Standards.

Purpose: The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2013. The recent federal amendments include clarification, guidance and technical revisions to state implementation plan (“SIP”) requirements promulgated pursuant to 42 U.S.C. 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.

The Department has amended Regulation 61-62.5, Standard No. 2, Ambient Air Quality Standards, to codify recent federal amendments to the National Ambient Air Quality Standards for Fine Particulate Matter (“PM_{2.5}”), Sulfur Dioxide (“SO₂”), and Nitrogen Dioxide (“NO₂”) set forth in 40 C. F. R. Part 50.

Additionally, the Department has amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, to adopt federal amendments to these standards promulgated from January 1, 2013 through December 31, 2013.

The Department also made changes to Regulation 61-62 that includes corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Legal Authority: Clean Air Act, 42 U.S.C. Sections 7407, 7410, 7413, and 7416, and the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq.

Plan for Implementation: The amendments took effect upon approval by the Board of Health and Environmental Control on September 11, 2014, and publication in the *State Register* on September 26, 2014. These requirements are in place at the federal level and are currently being implemented. A copy of R.61-62, Air Pollution Control Regulations and Standards, that incorporates these amendments, will be made available electronically on the Department’s website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders and will communicate with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 C.F.R. Parts 51, 52, 60, and 63 throughout each calendar year. Federal amendments in 2013 included new and revised NSPS rules, and NESHAPs for Source Categories. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Document No. 4469

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

61-58. State Primary Drinking Water Regulations

Synopsis:

The United State Environmental Protection Agency (USEPA) promulgated a final rule in the Federal Register at 40 CFR Parts 141 and 142 on February 13, 2013 known as *Revisions to the Total Coliform Rule*. The rule is intended to offer a meaningful opportunity for greater public health protection beyond the 1989 *Total Coliform Rule*. Under the new rule, there is no longer a monthly maximum contaminant level (MCL) violation for total coliform detections. Instead, the revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action. As required by Section 1413 of the federal Safe Drinking Water Act, states must revise its public drinking water program to include regulations that are no less stringent than the federal requirements in order to retain primary enforcement responsibility for the drinking water supervision program.

The Department has amended R.61-58, *State Primary Drinking Water Regulations*, to incorporate the above-described federal regulations to maintain conformity with federal requirements found in 40 CFR 141 and maintain primary enforcement authority for the drinking water supervision program. These amendments also revise R.61-58 to correct typographical errors and correct inaccurate references, also to maintain conformity with federal requirements.

These regulations are not subject to legislative review pursuant to S.C. Section 1-23-120(H)(1); as such, neither a fiscal impact statement nor assessment report is required.

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A Notice of Drafting for the Department's adoption of these federal regulations was published in the *State Register* on September 27, 2013.

Section-by-Section Discussion of Regulations

R.61-58.A

Updated the general information to include new regulations.

R.61-58.B

Revised to add new definitions.

R.61-58.5.G(8)

Revised to add language to require water systems to complete all repeat monitoring under the current Total Coliform Rule before beginning monitoring under the Revised Total Coliform Rule.

R.61-58.5.F

Revised to explain the timing of new requirements and maximum contaminant levels (MCLs) in the Revised Total Coliform Rule and identify Best Available Technology for meeting MCLs.

R.61-58.6.E(2)(a)

Revised to require Tier 1 public notice for violation of the E. coli MCL as specified in the revised section R.61-58.5.F

R.61-58.6.E(3)(b)(ii)

Revised to specify that less frequent public notification is not appropriate for MCL or treatment technique requirements under the Revised Total Coliform Rule.

R.61-58.6.E(4)(a)

Revised to clarify a reference and add a requirement for Tier 3 public notice for reporting and recordkeeping violations under the Revised Total Coliform Rule.

R.61-58.9.G(2)

Revised to allow for exemption from the MCL for total coliform under certain conditions until March 31, 2106 at which time the total coliform MCL is no longer effective.

R.61-58.10.C(2)(e)

Revised to require unfiltered surface water systems to meet the MCLs for total coliform and E. coli in order to remain unfiltered.

R.61-58.10.F(2)(f)(i)

Revised to transition monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.10.F(3)(c)(i)

Revised to transition monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.11.F.(2)(b)

Revised to correct reference

R.61-58.11.G introductory paragraph

Revised to correct reference

R.61-58.11.G(1)(b)

Revised to correct numbering error

R.61-58.11.G(2)(b)(i)

Revised to correct reference and correct wording error.

R.61-58.11.G(2)(b)(ii)

Revised to correct reference

R.61-58.11.G(2)(b)(ii)(C)

Revised to correct reference

R.61-58.11.G(2)(b)(iv)

Revised to correct reference

R.61-58.11.G(2)(b)(vi)

Revised to correct reference

R.61-58.11.G(2)(c)(i)

Revised to correct reference

R.61-58.11.G(2)(c)(ii)

Revised to correct reference

R.61-58.11.G(2)(c)(iii)

Revised to correct reference

R.61-58.11.G(2)(c)(iv)

Revised to correct reference

R.61-58.11.G(2)(h)(i)

Revised to correct reference

R.61-58.11.G(2)(h)(ii)

Revised to correct reference

R.61-58.11.G(2)(h)(iii)

Revised to correct reference

R.61-58.11.G(4)(c)

Revised to correct reference

R.61-58.11.K

Revised to give a more specific federal register citation

R.61-58.12.C(3)(d)

Revised to add definitions for Assessments to be used in Consumer Confidence Reports (CCRs)

R.61-58.12.C(4)(d)(iv)

Revised to include fecal coliform and E. coli in the category of contaminants that do not require contaminant levels to be reported in a system's CCR.

R.61-58.12.C(4)(d)(vii)

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Revised to require systems to only report total coliform analytical results in their CCR until March 31, 2016.

R.61-58.12.C(4)(d)(viii)

Revised to require systems to only report fecal coliform and E. coli analytical results in their CCR until March 31, 2016.

R.61-58.12.C(4)(d)(x)

Revised to require systems to report the total number of E. coli-positive samples under the Revised Total Coliform Rule in their CCR.

R.61-58.12.C(11)(f)(i)

Revised to clarify requirements.

R.61-58.12.C(11)(g)

Added to require that systems report pertinent information concerning their compliance with the Revised Total Coliform Rule in their CCR.

R.61-58.13.C(3)(a)(i)

Revised to specify the transition of monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.16.D(2)

Revised to correct a typographical error

R.61-58.16.F(2)(c)(i)(A)

Revised to correct a typographical error

R.61-58.16.E(1)

Revised to incorporate monitoring conducted under the Revised Total Coliform Rule into the triggered monitoring requirements of the Ground Water Rule beginning on April 1, 2016.

R.61-58.16.H(2)(d)

Revised to specify the transition of records retention under the Ground Water Rule from the current Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.17

Added to adopt the requirements of the Revised Total Coliform Rule beginning April 1, 2016.

Appendix A to R.61-58.6

Revised to add public notification requirements for the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform Rule.

Appendix B to R.61-58.6

Replaced to add public health language that must be included in public notification for the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform Rule.

Appendix D to R.61-58.12

Replaced to add standard language required in a system's CCR to include requirements of the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform Rule.

Instructions: Amend R.61-58 pursuant to each individual instruction provided below with the text of the amendments.

Text:

61-58. State Primary Drinking Water Regulations.

Amend R.61-58.A to read:

A. General

Regulations 61-58 through 61-58.17 are promulgated pursuant to S.C. Code Sections 44-55-10 et seq. and are collectively known as the State Primary Drinking Water Regulations. The Department finds the standards and procedures prescribed are necessary to maintain reasonable standards of purity of the drinking water of the State consistent with the public health, safety, and welfare of its citizens.

Amend R.61-58.B to add the following definitions in alphanumeric order:

"Clean compliance history" is, for the purposes of R.61-58.17, a record of no MCL violations under R.61-58.5.F; no monitoring violations under R.61-58.5.G or R.61-58.17; and no coliform treatment technique trigger exceedances or treatment technique violations under R.61-58.17.

"Level 1 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. It is conducted by the system operator or owner. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

"Level 2 assessment" is an evaluation to identify the possible presence of sanitary defects, defects in distribution system coliform monitoring practices, and (when possible) the likely reason that the system triggered the assessment. A Level 2 assessment provides a more detailed examination of the system (including the system's monitoring and operational practices) than does a Level 1 assessment through the use of more comprehensive investigation and review of available information, additional internal and external resources, and other relevant practices. It is conducted by an individual approved by the Department, which may include the system operator. Minimum elements include review and identification of atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., whether a ground water system is disinfected); existing water quality monitoring data; and inadequacies in sample sites, sampling protocol, and sample processing. The system must conduct the assessment consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system. The system must comply with any expedited actions or additional actions required by the Department in the case of an E. coli MCL violation.

"Sanitary defect" is a defect that could provide a pathway of entry for microbial contamination into the distribution system or that is indicative of a failure or imminent failure in a barrier that is already in place.

"Seasonal system" is a non-community water system that is not operated as a public water system on a year-round basis and starts up and shuts down at the beginning and end of each operating season.

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Amend R.61-58.5.F to read:

F. Maximum Contaminant Levels (MCLs) for Microbiological Contaminants.

These maximum contaminant levels shall apply to all public water systems.

(1) Until March 31, 2016, the total coliform MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.

(a) For a system which collects at least forty (40) samples per month, if no more than five (5.0) percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

(b) For a system which collects fewer than forty (40) samples per month, if no more than one (1) sample collected during a month is total coliform -positive, the system is in compliance with the MCL for total coliforms.

(2) Until March 31, 2016, any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in R.61 58.6.E, this is a violation that may pose an acute risk to health.

(3) Beginning April 1, 2016, a system is in compliance with the MCL for E. coli for samples taken under provisions of R.61-58.17 unless any of the conditions identified in R.61-58.5.F(3)(a) through (d) occur. For purposes of the public notification requirements in R.61-58.6.E, violation of the MCL may pose an acute risk to health.

(a) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample.

(b) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample.

(c) The system fails to take all required repeat samples following an E. coli-positive routine sample.

(d) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

(4) Until March 31, 2016, a public water system must determine compliance with the MCL for total coliforms in R.61-58.5.F(1) and (2) for each month in which it is required to monitor for total coliforms. Beginning April 1, 2016, a public water system must determine compliance with the MCL for E. coli in R.61-58.5.F(3) for each month in which it is required to monitor for total coliforms.

(5) The United States Environmental Protection Agency Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, has identified the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in R.61-58.5.F (1)and (2) and for achieving compliance with the maximum contaminant level for E. coli in R.61-58.5.F(3):

(a) Protection of wells from fecal contamination by appropriate placement and construction;

(b) Maintenance of a disinfection residual throughout the distribution system;

(c) Proper maintenance of the distribution system including appropriate pipe placement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, cross connection control, and continual maintenance of positive water pressure in all parts of the distribution system;

(d) Filtration and/or disinfection of surface water, as described in R.61-58.10, or disinfection of ground water, as described in R.61-58.16, using strong oxidants such as chlorine, chlorine dioxide, or ozone; and

(e) For systems using ground water, compliance with the requirements of an EPA-approved Department Wellhead Protection Program developed and implemented under section 1428 of the federal Safe Drinking Water Act.

(6) The United States Environmental Protection Agency Administrator, pursuant to section 1412 of the federal Safe Drinking Water Act, identifies the technology, treatment techniques, or other means available identified in R.61-58.5.F(5) as affordable technology, treatment techniques, or other means available to systems serving 10,000 or fewer people for achieving compliance with the maximum contaminant level for total coliforms in R.61-58.5.F(1) and (2) and for achieving compliance with the maximum contaminant level for E. coli in R.61-58.5.F(3).

Add R.61-58.5.G(8) to read:

(8) The provisions of R.61-58.5.G(1) and (4) are applicable until March 31, 2016. The provisions of R.61-58.5.G(2), (3), (5), (6), and (7) are applicable until all required repeat monitoring under R.61-58.5.G(2) and fecal coliform or E. coli testing under R.61-58.5.G(5) that was initiated by a total coliform-positive sample taken before April 1, 2016 is completed, as well as analytical method, reporting, recordkeeping, public notification, and consumer confidence report requirements associated with that monitoring and testing. Beginning April 1, 2016, the provisions of R.61-58.17 are applicable, with systems required to begin regular monitoring at the same frequency as the system-specific frequency required on March 31, 2016.

Amend R.61-58.6.E(2)(a) to read:

(a) **Which violations or situations require a Tier 1 public notice?** Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix A to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

<p>(1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in R.61-58.5.F(2)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in R.61-58.5.G(5)), violation of the MCL for E. coli (as specified in R.61-58.5.F);</p> <p>(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in R.61-58.5.B, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in R.61-58.5.C(12)(b);</p> <p>(3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the Department under R.61-58.5.B(3), as required under paragraph (9) of this section;</p> <p>(4) Violation of the MRDL for chlorine dioxide, as defined in R.61-58.5.Q(1), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the</p>

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required samples in the distribution system, as specified in R.61-58.13.D(3)(b)(i);

(5) Violation of the turbidity MCL under R.61-58.10(C), (E), (H), or (I), where the Department determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(6) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR) or Long Term 1 Enhanced Surface Water Treatment Rule (LT1EWSTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix A to this regulation), where the Department determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation;

(7) Occurrence of a waterborne disease outbreak, as defined in R.61-58(B)(174), or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

(8) Detection of E. coli, enterococci, or coliphage in source water samples as specified in R.61-58.16.E(1) or R.61-58.16.E(2).

(9) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department either in its regulations or on a case-by-case basis.

Amend R.61-58.6.E(3)(b)(ii) to read:

(ii) The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the Department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Department to allow less frequent repeat notice for an MCL or treatment technique violation under the Total Coliform Rule or the Revised Total Coliform Rule (R.61-58.17) or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Department to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Department determinations allowing repeat notices to be given less frequently than once every three (3) months must be in writing.

Replace R.61-58.6.E(4)(a) to read:

(a) **Which violations or situations require a Tier 3 public notice?** Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix A to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 3 PUBLIC NOTICE

- (1) Monitoring violations under R.61-58.5, except where a Tier 1 notice is required under paragraph (2)(a) of this section or where the Department determines that a Tier 2 notice is required;
- (2) Failure to comply with a testing procedure established in R.61-58.5, except where a Tier 1 notice is required under paragraph (2)(a) of this section or where the Department determines that a Tier 2 notice is required;
- (3) Operation under a variance or an exemption granted under R.61-58.9;
- (4) Availability of unregulated contaminant monitoring results, as required under R.61-58.6.E(7);
- (5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under R.61-58.6.E(8); and
- (6) Reporting and Recordkeeping violations under R.61-58.17.

Amend R.61-58.9.G(2) to read:

(2) No variances or exemptions from the maximum contaminant levels in R.61-58.5.F or the treatment technique requirements of R.61-58.10 are permitted. In accordance with EPA rules, the Department has stayed the effective date of this section relating to the total coliform MCL of R.61-58.5.F(1) for systems that demonstrate to the Department that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system rather than fecal or pathogenic contamination, a treatment lapse or deficiency, or a problem in the operation or maintenance of the distribution system. This is stayed until March 31, 2016, at which time the total coliform MCL is no longer effective.

Amend R.61-58.10.C(2)(e) to read:

(e) The public water system shall comply with the maximum contaminant level (MCL) for total coliforms in R.61-58.5.F(1) and (2) and the MCL for *E. coli* in R.61-58.5.F(3) at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the Department determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

Amend R.61-58.10.F(2)(f)(i) to read:

(f) (i) Until March 31, 2016, the residual disinfectant concentration shall be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.5.G. Beginning April 1, 2016, the residual disinfectant concentration shall be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.17.E through R.61-58.17.I. The Department may allow a public water system which uses both a surface water source or a ground water source under the direct influence of surface water, and a ground water source, to take disinfectant residual samples at points other than the total coliform sampling points if the Department determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in R.61-58.10.F(1), may be measured in lieu of residual disinfectant concentration.

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Amend R.61-58.10.F(3)(c)(i) to read:

(c) (i) Until March 31, 2016, the residual disinfectant concentration shall be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-68.5.G. Beginning April 1, 2016, the residual disinfectant concentration shall be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.17.E through R.61-58.17.I. The Department may allow a public water system which uses both a surface water source or a ground water source under the direct influence of surface water, and a ground water source to take disinfectant residual samples at points other than the total coliform sampling points if the Department determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic plate count (HPC) as specified in R.61-58.10.F(1), may be measured in lieu of residual disinfectant concentration.

Amend R.61-58.11.F(2)(b) to read:

(b) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph (6) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph (3) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven (7) percent lead service line replacement is based on a fifteen (15) year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by thirteen (13)). For those systems that have completed a fifteen (15) year lead service line replacement program, the Department will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeded the action level.

Amend R.61-58.11.G introductory paragraph only to read:

G. Public Education and Supplemental Monitoring Requirements.

All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph (4) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with Section H shall deliver the public education materials contained in paragraph (1) this section in accordance with the requirements in paragraph (2) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph (3) of this section.

Amend R.61-58.11.G(1)(b) to read:

(b) Community water systems. In addition to including the elements specified in paragraph (1)(a) of this section, community water systems must:

- (i) Tell consumers how to get their water tested.
- (ii) Discuss lead in plumbing components and the difference between low lead and lead free.

Amend R.61-58.11.G(2)(b)(i) to read:

(i) Deliver printed materials meeting the content requirements of paragraph (1) of this section to all bill paying customers.

Amend R.61-58.11.G(2)(b)(ii) to read:

(ii) (A) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (1) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph (1) of this section to all organizations on the provided lists.

(B) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph (1) of this section to the following organizations listed in (1) through (6) below that are located within the water system's service area, along with an information notice that encourages distribution to all the organization's potentially affected customers or community water system's users:

- (1) Public and private schools or school boards.
- (2) Women, Infants and Children (WIC) and Head Start Programs.
- (3) Public and private hospitals and medical clinics.
- (4) Pediatricians.
- (5) Family planning clinics.
- (6) Local welfare agencies.

Amend R.61-58.11.G(2)(b)(ii)(C) to read:

(C) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph (1) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

- (1) Licensed childcare centers.
- (2) Public and private preschools.
- (3) Obstetricians-Gynecologist and Midwives.

Amend R.61-58.11.G(2)(b)(iv) to read:

(iv) Post materials meeting the content requirements of paragraph (1) of this section on the water system's Web site if the system serves a population of greater than 100,000.

Amend R.61-58.11.G(2)(b)(vi) to read:

(vi) In addition to paragraph 2(b)(i) through (v) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Department.

- (A) Public Service Announcements.
- (B) Paid advertisements.
- (C) Public Area Information Displays.
- (D) E-mails to customers.
- (E) Public Meetings.
- (F) Household Deliveries.
- (G) Targeted Individual Customer Contact.
- (H) Direct material distribution to all multi-family homes and institutions.
- (I) Other methods approved by the Department.

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Amend R.61-58.11.G(2)(c)(i) to read:

(i) A community water system shall repeat the tasks contained in paragraphs (2)(b)(i), (ii) and (vi) of this section every 12 months.

Amend R.51-58.11.G(2)(c)(ii) to read:

(ii) A community water system shall repeat the tasks contained in paragraph (2)(b)(iii) of this section with each billing cycle.

Amend R.61-58.11.G(2)(c)(iii) to read:

(iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph (2)(b)(iv) of this section.

Amend R.51-58.11.G(2)(c)(iv) to read:

(iv) The community water system shall repeat the task in paragraph (2)(b)(v) of this section twice every twelve (12) months on a schedule agreed upon with the Department. The Department can allow activities in paragraph (2)(b) of this section to extend beyond the sixty (60) day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Department in advance of the sixty (60) day deadline.

Amend R.61-58.11.G(2)(h)(i) to read:

(i) With respect to the requirements of paragraph (2)(b)(vi) of this section, a system serving 3,300 or fewer people must implement at least one of the activities listed in that paragraph.

Amend R.61-58.11.G(2)(h)(ii) to read:

(ii) With respect to the requirements of paragraph (2)(b)(ii) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

Amend R.61-58.11.G(2)(h)(iii) to read:

(iii) With respect to the requirements of paragraph (2)(b)(v) of this section, the Department may waive this requirement for systems serving 3,300 or fewer persons as long as the system distributes notices to every household served by the system.

Amend R.61-58.11.G(4)(c) to read:

(c) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from R.61-58.12.C(3).

Amend R.61-58.11.K to read:

K. Analytical Methods.

(1) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using EPA-approved methods and other requirements listed in 40 CFR 141.89.

(a) Analyses under this section shall only be conducted by laboratories that are certified by the Department.

(b) The Department has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this section.

(c) All lead and copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL specified for lead and copper in paragraph (1)(d) below. All levels below the lead and copper MDL must be reported as zero.

(d) The Practical Quantitation Level, or PQL for lead is 0.005 mg/L. The Practical Quantitation Level, or PQL for copper is 0.050 mg/L.

Add R.61-58.12.C(3)(d) to read:

(d) A report that contains information regarding a Level 1 or Level 2 Assessment required under R.61-58.17 must include the applicable definitions:

(i) Level 1 Assessment: A Level 1 Assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.

(ii) Level 2 Assessment: A Level 2 Assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

Amend R.61-58.12.C(4)(d)(iv) to read:

(iv) For contaminants subject to an MCL, except turbidity, total coliforms, fecal coliform and E.coli, the highest contaminant level used to determine compliance with R.61-58.5, Maximum Contaminant Levels in Drinking Water, and the range of detected levels, as follows:

(A) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a monitoring location: the highest average of any of the monitoring locations and the range of all monitoring locations expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in R.61-58.5.P(2)(b), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.

(C) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all monitoring locations: the average and range of detection expressed in the same units as the MCL. The system is required to include individual sample results for the IDSE conducted under R.61-58.14 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.

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Note to paragraph (4)(d)(iv): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix D of this regulation;

Amend R.61-58.12.C(4)(d)(vii) to read:

(vii) For total coliform analytical results until March 31, 2016:

(A) The highest monthly number of positive samples for systems collecting fewer than forty (40) samples per month; or

(B) The highest monthly percentage of positive samples for systems collecting at least forty (40) samples per month.

Amend R.61-58.12.C(4)(d)(viii) to read:

(viii) For fecal coliform and E.coli. until March 31, 2016: The total number of positive samples;

Add R.61-58.12.C(4)(d)(x) to read:

(x) For E.coli analytical results under R.61-58.17: The total number of positive samples.

Amend R.61-58.12.C(11)(f)(i) to read:

(i) Any ground water system that receives notice from the Department of a significant deficiency or notice from a laboratory of a fecal indicator positive ground water source sample that is not invalidated by the Department must inform its customers of any significant deficiency that is uncorrected at the time of the next report or of any fecal indicator positive ground water source sample in the next report. The system must continue to inform the public annually until the Department determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under R.61-58.16.F(1). Each report must include the following elements.

(A) The nature of the particular significant deficiency or the source of the fecal contamination (if the source is known) and the date the significant deficiency was identified by the Department or the dates of the fecal indicator-positive ground water source samples.

(B) If the fecal contamination in the ground water source has been addressed under R.61-58.16.F(1) and the date of such action.

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under R.61-58.16.F(1), the Department approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator positive ground water source sample that is not invalidated by the Department, the potential health effects using the health effects language of Appendix D of R.61-58.12.

Add R.61-58.12.C(11)(g) to read:

(g) Systems required to comply with R.61-58.17:

(i) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an E. coli MCL violation must include in the report the text found in paragraph R.61-58.12.C(11)(g)(i)(A) and paragraphs R.61-58.12.C(11)(g)(i)(B) and R.61-58.12.C(11)(g)(i)(C) as appropriate, filling in the blanks accordingly and the text found in paragraphs R.61-58.12.C(11)(g)(i)(D)(1) and R.61-58.12.C(11)(g)(i)(D)(2) if appropriate.

(A) Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) During the past year we were required to conduct [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s). [INSERT NUMBER OF LEVEL 1 ASSESSMENTS] Level 1 assessment(s) were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(C) During the past year [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were required to be completed for our water system. [INSERT NUMBER OF LEVEL 2 ASSESSMENTS] Level 2 assessments were completed. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

(D) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(1) During the past year we failed to conduct all of the required assessment(s).

(2) During the past year we failed to correct all identified defects that were found during the assessment.

(ii) Any system required to conduct a Level 2 assessment due to an E. coli MCL violation must include in the report the text found in paragraphs R.61-58.12.C(11)(g)(ii)(A) and R.61-58.12.C(11)(g)(ii) (B), filling in the blanks accordingly and the text found in paragraphs R.61-58.12.C(11)(g)(ii)(C)(1) and R.61-58.12.C(11)(g)(ii)(C)(2), if appropriate.

(A) E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that were found during these assessments.

(B) We were required to complete a Level 2 assessment because we found E. coli in our water system. In addition, we were required to take [INSERT NUMBER OF CORRECTIVE ACTIONS] corrective actions and we completed [INSERT NUMBER OF CORRECTIVE ACTIONS] of these actions.

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(C) Any system that has failed to complete the required assessment or correct all identified sanitary defects is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(1) We failed to conduct the required assessment.

(2) We failed to correct all sanitary defects that were identified during the assessment that we conducted.

(iii) If a system detects *E. coli* and has violated the *E. coli* MCL, in addition to completing the table as required in R.61-58.12.C(4)(d), the system must include one or more of the following statements to describe any noncompliance, as applicable:

(A) We had an *E. coli*-positive repeat sample following a total coliform-positive routine sample.

(B) We had a total coliform-positive repeat sample following an *E. coli*-positive routine sample.

(C) We failed to take all required repeat samples following an *E. coli*-positive routine sample.

(D) We failed to test for *E. coli* when any repeat sample tests positive for total coliform.

(iv) If a system detects *E. coli* and has not violated the *E. coli* MCL, in addition to completing the table as required in paragraph R.61-58.12.C(4)(d), the system may include a statement that explains that although they have detected *E. coli*, they are not in violation of the *E. coli* MCL.

Amend R.61-58.13.C(3)(a)(i) to read:

(i) Routine Monitoring--Until March 31, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.5.G. Beginning April 1, 2016, community and non-transient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.17.E through R.61-68.17.I. Systems that use a surface water source or a ground water source under the influence of surface water may use the results of residual disinfectant concentration sampling conducted under R.61-58.10.F(2)(f) for unfiltered systems or R.61-58.10.F(3)(c) for systems which filter, in lieu of taking separate samples.

Amend R.61-58.16.D(2) to read:

(2) For the purposes of R.61-58.16, a "sanitary survey," as conducted by the Department, includes, but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

Amend R.61-58.16.F(2)(c)(i)(A) to read:

(A) A ground water system that serves greater than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods specified in 40 CFR 141.74(a)(2) at a location approved by the Department and must record the lowest residual disinfectant concentration each day that the water from the ground water source is served to the public. The ground water system must maintain the Department-determined residual disinfectant concentration every day the ground water system serves the water

from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

Amend R.61-58.16.E(1) to read:

(1) Triggered source water monitoring.

(a) General Requirement. A ground water system must conduct triggered source water monitoring if the conditions identified in paragraphs (1)(a)(i) and either (1)(a)(ii) or 1(a)(iii) of this section exist.

(i) The system does not provide at least 4-log treatment of viruses (using inactivation, removal, or a Department-approved combination of 4-log virus inactivation and removal) before or at the first customer for each ground water source; and either

(ii) The system is notified that a sample collected under R.61-58.5.G(1) is total coliform-positive and the sample is not invalidated under R.61-58.5.G(3) until March 31, 2016, or

(iii) The system is notified that a sample collected under R.61-58.17.E through R.61-58.17.H is total coliform-positive and the sample is not invalidated under R.61-58.17.D(3) beginning April 1, 2016.

(b) Sampling Requirements. A ground water system must collect, within 24 hours of notification of the total coliform-positive sample, at least one ground water source sample from each ground water source in use at the time the total coliform-positive sample was collected under R.61-58.5.G(1) until March 31, 2016, or collected under R.61-58.17.E through R.61-58.17.H beginning April 1, 2016, except as provided in R.61-58.16.E(1)(b)(ii).

(i) The Department may extend the 24-hour time limit on a case-by-case basis if the system cannot collect the ground water source sample within 24 hours due to circumstances beyond its control. In the case of an extension, the Department must specify how much time the system has to collect the sample.

(ii) If approved by the Department, systems with more than one ground water source may meet the requirements of R.61-58.16.E(1)(b) by sampling a representative ground water source or sources. If directed by the Department, systems must submit a triggered source water monitoring plan for Department approval that identifies one or more ground water sources that are representative of each monitoring site in the system's sample siting plan under R.61-58.5.G(1) until March 31, 2016, or under R.61-58.17.D beginning April 1, 2016, and that the system intends to use for representative sampling under this paragraph.

(iii) Until, March 31, 2016, a ground water system serving 1,000 or fewer people may use a repeat sample collected from a ground water source to meet both the requirements of R.61-58.5.G(2) and to satisfy the monitoring requirements of R.61-58.16.E(1)(b) for that ground water source only if the Department approves the use of E.coli as a fecal indicator for source water monitoring under R.61-58.16.E(1). If the repeat sample collected from the ground water source is E.coli-positive, the system must comply with R.61-58.16.E(1)(c).

(iv) Beginning April 1, 2016, a ground water system serving 1,000 or fewer people may use a repeat sample collected from a ground water source to meet both the requirements of R.61-58.17 and to satisfy the monitoring requirements of R.61-58.16.E(1)(b) for that ground water source only if the Department approves the use of E. coli as a fecal indicator for source water monitoring under R.61-58.16.E(1) and approves the use of a single sample for meeting both the triggered source water monitoring requirements in R.61-58.16.E(1) and the repeat monitoring requirements in R.61-58.17.I. If the repeat sample collected from the ground water source is E. coli-positive, the system must comply with R.61-58.16.E(1)(c).

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(c) Additional Requirements. If the Department does not require corrective action under R.61-58.16.F(1)(b) for a fecal indicator positive source water sample collected under R.61-58.16.E(1)(b) that is not invalidated under R.61-58.16.E(4), the system must collect five additional source water samples from the same source within 24 hours of being notified of the fecal indicator positive sample.

(d) Consecutive and wholesale systems.

(i) In addition to the other requirements of R.61-58.16.E(1), a consecutive ground water system that has a total coliform-positive sample collected under R.61-58.5.G(1) until March 31, 2016, or under R.61-58.17.E through R.61-58.17.H beginning April 1, 2016 must notify the wholesale system(s) within 24 hours of being notified of the total coliform-positive sample.

(ii) In addition to the other requirements of R.61-58.16.E(1), a wholesale ground water system must comply with R.61-58.16.E(1)(d)(ii)(A) and R.61-58.16.E(1)(d)(ii)(B).

(A) A wholesale ground water system that receives notice from a consecutive system it serves that a sample collected under R.61-58.5.G(1) until March 31, 2016, or collected under R.61-58.17.E through R.61-58.17.H beginning April 1, 2016, is total coliform-positive must, within 24 hours of being notified, collect a sample from its ground water source(s) under R.61-58.16.E(1)(b) and analyze it for a fecal indicator under R.61-58.16.E(3).

(B) If the sample collected under R.61-58.16.E(1)(d)(ii)(A) is fecal indicator positive, the wholesale ground water system must notify all consecutive systems served by that ground water source of the fecal indicator positive sample within 24 hours of being notified of the ground water source sample_monitoring result and must meet the requirements of R.61-58.16.E(1)(c).

(e) Exceptions to the triggered source water monitoring requirements. A ground water system is not required to comply with the source water monitoring requirements of R.61-58.16.E(1) if either one of the following conditions exists:

(i) The Department determines, and documents in writing, that the total coliform-positive sample collected under R.61-58.5(G)(1) until March 31, 2016, or under R.61-58.17.E through R.61-58.17.H beginning April 1, 2016, is caused by a distribution system deficiency; or

(ii) The total coliform-positive sample collected under R.61-58.5(G)(1) until March 31, 2016, or under R.61-58.17.E through R.61-58.17.H beginning April 1, 2016, is collected at a location that meets Department criteria for distribution system conditions that will cause total coliform-positive samples.

Amend R.61-58.16.H(2)(d) to read:

(d) For consecutive systems, documentation of notification to the wholesale system(s) of total coliform-positive samples that are not invalidated under R.61-58.5.G(3) until April 1, 2016, or under R.61-58.17.D beginning April 1, 2016, shall be kept for a period of not less than five years.

Add R.61-58.17 to read:

R.61-58.17 REVISED TOTAL COLIFORM RULE

A. Applicability. The provisions of R.61-58.17 apply to all community and non-community public water systems.

B. General Requirements.

(1) General.

The provisions of R.61-58.17 include both maximum contaminant level and treatment technique requirements.

(2) Compliance date.

Systems must comply with the provisions of R.61-58.17 beginning April 1, 2016, unless otherwise specified in R.61-58.17.

(3) Violations of State Primary Drinking Water Regulations. Failure to comply with the applicable requirements of this regulation R.61-58.17 shall constitute a violation of the State Primary Drinking Water Regulations.

C. Analytical Methods and Laboratory Certification

(1) Analytical methodology.

(a) The standard sample volume required for analysis, regardless of analytical method used, is 100 ml.

(b) Systems need only determine the presence or absence of total coliforms and E. coli; a determination of density is not required.

(c) The time from sample collection to initiation of test medium incubation may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 deg. C during transit.

(d) If water having residual chlorine (measured as free, combined, or total chlorine) is to be analyzed, sufficient sodium thiosulfate (Na₂S₂O₃) must be added to the sample bottle before sterilization to neutralize any residual chlorine in the water sample. Dechlorination procedures are addressed in Section 9060A.2 of Standard Methods for the Examination of Water and Wastewater (20th and 21st editions).

(e) Systems must conduct total coliform and E. coli analyses in accordance with one of the analytical methods in 40 CFR 141.852 or one of the alternative methods listed in Appendix A to subpart C of CFR 141.

(2) Laboratory Certification.

Systems must have all compliance samples required under R.61-58.17 analyzed by a laboratory certified by the EPA or the Department to analyze drinking water samples. The laboratory used by the system must be certified for each method (and associated contaminant(s)) used for compliance monitoring analyses under this rule.

D. General Monitoring Requirements for All Public Water Systems.

(1) Sample siting plans.

(a) Systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to Department review and revision. Systems must collect total coliform samples according to the written sample siting plan. Monitoring required by R.61-58.17.E through R.61-58.17.I may take place at a customer's premise, dedicated sampling station, or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of R.61-58.16 must be reflected in the sampling plan.

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(b) Systems must collect samples at regular time intervals throughout the month, except that systems that use only ground water and serve 4,900 or fewer people may collect all required samples on a single day if they are taken from different sites.

(c) Systems must take at least the minimum number of required samples even if the system has had an *E. coli* MCL violation or has exceeded the coliform treatment technique triggers in R.61-58.17.J(1).

(d) A system may conduct more compliance monitoring than is required by R.61-58.17 to investigate potential problems in the distribution system and use monitoring as a tool to assist in uncovering problems. A system may take more than the minimum number of required routine samples and must include the results in calculating whether the coliform treatment technique trigger in R.61-58.17.J(1)(a)(i) and (ii) has been exceeded only if the samples are taken in accordance with the existing sample siting plan and are representative of water throughout the distribution system.

(e) Systems must identify repeat monitoring locations in the sample siting plan. Unless the provisions of R.61-58.17.D(1)(e)(i) or (1)(e)(ii) are met, the system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one service connection away from the end of the distribution system, the system must still take all required repeat samples. However, the Department may allow an alternative sampling location in lieu of the requirement to collect at least one repeat sample upstream or downstream of the original sampling site. Except as provided for in R.61-58.17.D (1)(e)(ii), systems required to conduct triggered source water monitoring under R.61-58.16.E(1) must take ground water source sample(s) in addition to repeat samples required under R.61-58.17.

(i) Systems may propose repeat monitoring locations to the Department that the system believes to be representative of a pathway for contamination of the distribution system. A system may elect to specify either alternative fixed locations or criteria for selecting repeat sampling sites on a situational basis in a standard operating procedure (SOP) in its sample siting plan. The system must design its SOP to focus the repeat samples at locations that best verify and determine the extent of potential contamination of the distribution system area based on specific situations. The Department may modify the SOP or require alternative monitoring locations as needed.

(ii) Ground water systems serving 1,000 or fewer people may propose repeat sampling locations to the Department that differentiate potential source water and distribution system contamination (e.g., by sampling at entry points to the distribution system). A ground water system with a single well required to conduct triggered source water monitoring may, with written Department approval, take one of its repeat samples at the monitoring location required for triggered source water monitoring under R.61-58.16.E(1) if the system demonstrates to the Department's satisfaction that the sample siting plan remains representative of water quality in the distribution system. If approved by the Department, the system may use that sample result to meet the monitoring requirements in both R.61-58.16.E(1) and this section R.61-58.17.D.

(A) If a repeat sample taken at the monitoring location required for triggered source water monitoring is *E. coli*-positive, the system has violated the *E. coli* MCL and must also comply with R.61-58.16.E(1)(c). If a system takes more than one repeat sample at the monitoring location required for triggered source water monitoring, the system may reduce the number of additional source water samples required under R.61-58.16.E(1)(c) by the number of repeat samples taken at that location that were not *E. coli*-positive.

(B) If a system takes more than one repeat sample at the monitoring location required for triggered source water monitoring under R.61-58.16.E(1), and more than one repeat sample is *E. coli*-positive, the system has violated the *E. coli* MCL and must also comply with R.61-58.16.F(1)(a).

(C) If all repeat samples taken at the monitoring location required for triggered source water monitoring are E. coli-negative and a repeat sample taken at a monitoring location other than the one required for triggered source water monitoring is E. coli-positive, the system has violated the E. coli MCL, but is not required to comply with R.61-58.16.E(1)(c).

(f) The Department may review, revise, and approve, as appropriate, repeat sampling proposed by systems under R.61-58.17.D(1)(e)(i) and (ii). The system must demonstrate that the sample siting plan remains representative of the water quality in the distribution system. The Department may determine that monitoring at the entry point to the distribution system (especially for undisinfected ground water systems) is effective to differentiate between potential source water and distribution system problems.

(2) Special purpose samples.

Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, must not be used to determine whether the coliform treatment technique trigger has been exceeded. Repeat samples taken pursuant to R.61-58.17.I are not considered special purpose samples, and must be used to determine whether the coliform treatment technique trigger has been exceeded.

(3) Invalidation of total coliform samples.

A total coliform-positive sample invalidated under R.61-58.17.D(3) does not count toward meeting the minimum monitoring requirements of this R.61-58.17.

(a) The Department may invalidate a total coliform-positive sample only if the conditions of R.61-58.17.D(3)(a)(i), (ii), or (iii) are met.

(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(ii) The Department, on the basis of the results of repeat samples collected as required under R.61-58.17.I(1), determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Department cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected at a location other than the original tap are total coliform negative (e.g., the Department cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform negative, or if the system has only one service connection).

(iii) The Department has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition that does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under R.61-58.17.I(1), and use them to determine whether a coliform treatment technique trigger in R.61-58.17.J has been exceeded. To invalidate a total coliform-positive sample under this paragraph, the decision and supporting rationale must be documented in writing, and approved and signed by the supervisor of the Department official who recommended the decision. The Department must make this document available to EPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the system has taken, or will take, to correct this problem. The Department may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform negative.

(b) A laboratory must invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies

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too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Department may waive the 24-hour time limit on a case-by-case basis. Alternatively, the Department may implement criteria for waiving the 24-hour sampling time limit to use in lieu of case-by-case extensions.

E. Routine monitoring requirements for non-community water systems serving 1,000 or fewer people using only ground water.

(1) General.

(a) The provisions of this section apply to non-community water systems using only ground water (except ground water under the direct influence of surface water, as defined in R.61-58.B - Definitions) and serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and *E. coli* analytical requirements in R.61-58.17.I.

(c) Once all monitoring required by this section R.61-58.17.E and R.61-58.17.I for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in R.61-58.17.J have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by R.61-58.17.J.

(d) For the purpose of determining eligibility for remaining on or qualifying for quarterly monitoring under the provisions of R.61-58.17.E(6)(d) and (7)(b), respectively, of this section R.61-58.17.E for transient non-community water systems, the Department may elect to not count monitoring violations under R.61-58.17.K(3)(a) if the missed sample is collected no later than the end of the monitoring period following the monitoring period in which the sample was missed. The system must collect the make-up sample in a different week than the routine sample for that monitoring period and should collect the sample as soon as possible during the monitoring period. The Department may not use this provision under R.61-58.17.E(8). This authority does not affect the provisions of R.61-58.17.K(3)(a) and R.61-58.17.L(1)(d).

(2) Monitoring frequency for total coliforms.

Systems must monitor each calendar quarter that the system provides water to the public, except for seasonal systems or as provided under R.61-58.17.E(3) through R.61-58.17.E(8) and R.61-58.17.E(10). Seasonal systems must meet the monitoring requirements of R.61-58.17.E(9).

(3) Transition to R.61-58.17 - Revised Total Coliform Rule.

(a) Systems, including seasonal systems, must continue to monitor according to the total coliform monitoring schedules under R.61-58.5.G(1) that were in effect on March 31, 2016, unless any of the conditions for increased monitoring in R.61-58.17.E(6) are triggered on or after April 1, 2016, or unless otherwise directed by the Department.

(b) Beginning April 1, 2016, the Department must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Department has performed the special monitoring evaluation during each sanitary survey, the Department may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of R.61-58.17.E. The Department may not allow systems to begin less frequent monitoring under

the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in R.61-58.17.E. For seasonal systems on quarterly or annual monitoring, this evaluation must include review of the approved sample siting plan, which must designate the time period(s) for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). The seasonal system must collect compliance samples during these time periods.

(4) Annual site visits.

Beginning no later than calendar year 2017, systems on annual monitoring, including seasonal systems, must have an initial and recurring annual site visit by the Department that is equivalent to a Level 2 assessment or an annual voluntary Level 2 assessment that meets the criteria in R.61-58.17.J(2) to remain on annual monitoring. The periodic required sanitary survey may be used to meet the requirement for an annual site visit for the year in which the sanitary survey was completed.

(5) Criteria for annual monitoring. Beginning April 1, 2016, the Department may reduce the monitoring frequency for a well-operated ground water system from quarterly routine monitoring to no less than annual monitoring, if the system demonstrates that it meets the criteria for reduced monitoring in R.61-58.17.E(5)(a) through (5)(c), except for a system that has been on increased monitoring under the provisions of R.61-58.17.E(6). A system on increased monitoring under R.61-58.17.E(6) must meet the provisions of R.61-58.17.E(7) to go to quarterly monitoring and must meet the provisions of R.61-58.17.E(8) to go to annual monitoring.

(a) The system has a clean compliance history for a minimum of 12 months;

(b) The most recent sanitary survey shows that the system is free of sanitary defects or has corrected all identified sanitary defects, has a protected water source, and meets approved construction standards; and

(c) The Department has conducted an annual site visit within the last 12 months and the system has corrected all identified sanitary defects. The system may substitute a Level 2 assessment that meets the criteria in R.61-58.17.J(2) for the Department annual site visit.

(6) Increased Monitoring Requirements for systems on quarterly or annual monitoring.

A system on quarterly or annual monitoring that experiences any of the events identified in R.61-58.17.E(6)(a) through (6)(d) must begin monthly monitoring the month following the event. A system on annual monitoring that experiences the event identified in R.61-58.17.E(6)(e) must begin quarterly monitoring the quarter following the event. The system must continue monthly or quarterly monitoring until the requirements in R.61-58.17.E(7) for quarterly monitoring or R.61-58.17.E(8) for annual monitoring are met. A system on monthly monitoring for reasons other than those identified in R.61-58.17.E(6)(a) through (6)(d) is not considered to be on increased monitoring for the purposes of R.61-58.17.E(7) and (8).

(a) The system triggers a Level 2 assessment or two Level 1 assessments under the provisions of R.61-58.17.J in a rolling 12-month period.

(b) The system has an E. coli MCL violation.

(c) The system has a coliform treatment technique violation.

(d) The system has two monitoring violations under R.61-58.17 or one monitoring violation under R.61-58.17 and one Level 1 assessment under the provisions of R.61-58.17.J in a rolling 12-month period for a system on quarterly monitoring.

(e) The system has one monitoring violation under R.61-58.17 for a system on annual monitoring.

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(7) Requirements for returning to quarterly monitoring.

The Department may reduce the monitoring frequency for a system on monthly monitoring triggered under R.61-58.17.E(6) to quarterly monitoring if the system meets the criteria in R.61-58.17.E(7)(a) and (7)(b).

(a) Within the last 12 months, the system must have a completed sanitary survey or a site visit by the Department or a voluntary Level 2 assessment by a party approved by the Department, be free of sanitary defects, and have a protected water source; and

(b) The system must have a clean compliance history for a minimum of 12 months.

(8) Requirements for systems on increased monitoring to qualify for annual monitoring.

The Department may reduce the monitoring frequency for a system on increased monitoring under R.61-58.17.E(6) if the system meets the criteria in R.61-58.17.E(7) plus the criteria in R.61-58.17.E(8)(a) and (8)(b).

(a) An annual site visit by the Department and correction of all identified sanitary defects. The system may substitute a voluntary Level 2 assessment by a party approved by the Department for the Department annual site visit in any given year.

(b) The system must have in place or adopt one or more additional enhancements to the water system barriers to contamination in R.61-58.17.E(8)(b)(i) through (8)(b)(v).

(i) Cross connection control, as approved by the Department.

(ii) An operator certified by the South Carolina Department of Labor, Licensing and Regulation - Environmental Certification Board or regular visits by a circuit rider certified by an appropriate State certification program.

(iii) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Department.

(iv) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under R.61-58.16.F(2)(c).

(v) Other equivalent enhancements to water system barriers as approved by the Department.

(9) Seasonal systems.

(a) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Department-approved start-up procedure, which may include a requirement for startup sampling prior to serving water to the public.

(b) A seasonal system must monitor every month that it is in operation unless it meets the criteria in R.61-58.17.E(9)(b)(i) through (iii) to be eligible for monitoring less frequently than monthly beginning April 1, 2016, except as provided under R.61-58.17.E(3).

(i) Seasonal systems monitoring less frequently than monthly must have an approved sample siting plan that designates the time period for monitoring based on site-specific considerations (e.g., during periods of highest demand or highest vulnerability to contamination). Seasonal systems must collect compliance samples during this time period.

(ii) To be eligible for quarterly monitoring, the system must meet the criteria in R.61-58.17.E(7).

(iii) To be eligible for annual monitoring, the system must meet the criteria under R.61-58.17.E(8).

(c) The Department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating, except that systems that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department.

(10) Additional routine monitoring the month following a total coliform-positive sample.

Systems collecting samples on a quarterly or annual frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Systems must collect at least three routine samples during the next month, except that the Department may waive this requirement if the conditions of R.61-58.17.E(10)(a), (b), or (c) are met. Systems may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Systems must use the results of additional routine samples in coliform treatment technique trigger calculations under R.61-58.17.J(1).

(a) The Department may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Department, or an agent approved by the Department, performs a site visit before the end of the next month in which the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Department to determine whether additional monitoring and/or any corrective action is needed. The Department cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Department to perform sanitary surveys.

(b) The Department may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Department has determined why the sample was total coliform-positive and has established that the system has corrected the problem or will correct the problem before the end of the next month in which the system serves water to the public. In this case, the Department must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Department official who recommends such a decision, and make this document available to the EPA and public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem.

(c) The Department may not waive the requirement to collect three additional routine samples the next month in which the system provides water to the public solely on the grounds that all repeat samples are total coliform negative. If the Department determines that the system has corrected the contamination problem before the system takes the set of repeat samples required in R.61-58.17.I, and all repeat samples were total coliform negative, the Department may waive the requirement for additional routine monitoring the next month.

F. Routine monitoring requirements for community water systems serving 1,000 or fewer people using only ground water.

(1) General.

(a) The provisions of this section apply to community water systems using only ground water (except ground water under the direct influence of surface water, as defined in R.61-58.B - Definitions) and serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of this section, systems must comply with the repeat monitoring requirements and E. coli analytical requirements in R.61-58.17.I.

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(c) Once all monitoring required by this section and R.61-58.17.I for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in R.61-58.17.J have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by R.61-58.17.J.

(2) Monitoring frequency for total coliforms.

The monitoring frequency for total coliforms is one sample per month, except as provided for under R.61-58.17.F(3) through (6).

(3) Transition to R.61-58.17 - Revised Total Coliform Rule.

(a) All systems must continue to monitor according to the total coliform monitoring schedules under R.61-58.5.G that were in effect on March 31, 2016, unless any of the conditions in R.61-58.17.F(5) are triggered on or after April 1, 2016, or unless otherwise directed by the Department.

(b) Beginning April 1, 2016, the Department must perform a special monitoring evaluation during each sanitary survey to review the status of the system, including the distribution system, to determine whether the system is on an appropriate monitoring schedule. After the Department has performed the special monitoring evaluation during each sanitary survey, the Department may modify the system's monitoring schedule, as necessary, or it may allow the system to stay on its existing monitoring schedule, consistent with the provisions of R.61-58.17.F. The Department may not allow systems to begin less frequent monitoring under the special monitoring evaluation unless the system has already met the applicable criteria for less frequent monitoring in R.61-58.17.F.

(4) Criteria for reduced monitoring.

(a) The Department may reduce the monitoring frequency from monthly monitoring to no less than quarterly monitoring if the system is in compliance with Department-certified operator provisions and demonstrates that it meets the criteria in R.61-58.17.F(4)(a)(i) through (4)(a)(iii). A system that loses its certified operator must return to monthly monitoring the month following that loss.

(i) The system has a clean compliance history for a minimum of 12 months.

(ii) The most recent sanitary survey shows the system is free of sanitary defects (or has an approved plan and schedule to correct them and is in compliance with the plan and the schedule), has a protected water source and meets approved construction standards.

(iii) The system meets at least one of the following criteria:

(A) An annual site visit by the Department that is equivalent to a Level 2 assessment or an annual Level 2 assessment by a party approved by the Department and correction of all identified sanitary defects (or an approved plan and schedule to correct them and is in compliance with the plan and schedule).

(B) Cross connection control, as approved by the Department.

(C) Continuous disinfection entering the distribution system and a residual in the distribution system in accordance with criteria specified by the Department.

(D) Demonstration of maintenance of at least a 4-log removal or inactivation of viruses as provided for under R.61-58.16.F(2)(c).

(E) Other equivalent enhancements to water system barriers as approved by the Department.

(b) Reserved

(5) Return to routine monthly monitoring requirements.

Systems on quarterly monitoring that experience any of the events in R.61-58.17.F(5)(a) through (5)(d) must begin monthly monitoring the month following the event. The system must continue monthly monitoring until it meets the reduced monitoring requirements in R.61-58.17.F(4).

(a) The system triggers a Level 2 assessment or triggers two Level 1 assessments in a rolling 12-month period.

(b) The system has an E. coli MCL violation.

(c) The system has a coliform treatment technique violation.

(d) The system has two monitoring violations under R.61-58.17 in a rolling 12-month period.

(6) Additional routine monitoring the month following a total coliform-positive sample.

Systems collecting samples on a quarterly frequency must conduct additional routine monitoring the month following one or more total coliform-positive samples (with or without a Level 1 treatment technique trigger). Systems must collect at least three routine samples during the next month, except that the Department may waive this requirement if the conditions of R.61-58.17.F(6)(a), (b), or (c) are met. Systems may either collect samples at regular time intervals throughout the month or may collect all required routine samples on a single day if samples are taken from different sites. Systems must use the results of additional routine samples in coliform treatment technique trigger calculations.

(a) The Department may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Department, or an agent approved by the Department, performs a site visit before the end of the next month in which the system provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Department to determine whether additional monitoring and/or any corrective action is needed. The Department cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Department to perform sanitary surveys.

(b) The Department may waive the requirement to collect three routine samples the next month in which the system provides water to the public if the Department has determined why the sample was total coliform-positive and has established that the system has corrected the problem or will correct the problem before the end of the next month in which the system serves water to the public. In this case, the Department must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Department official who recommends such a decision, and make this document available to the EPA and the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem.

(c) The Department may not waive the requirement to collect three additional routine samples the next month in which the system provides water to the public solely on the grounds that all repeat samples are total coliform negative. If the Department determines that the system has corrected the contamination problem before the system takes the set of repeat samples required in R.61-58.17.I, and all repeat samples were total coliform negative, the Department may waive the requirement for additional routine monitoring the next month.

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G. Routine monitoring requirements for subpart H public water systems serving 1,000 or fewer people.

(1) General.

(a) The provisions of this section apply to subpart H public water systems serving 1,000 or fewer people.

(b) Following any total coliform-positive sample taken under the provisions of R.61-58.17.G, systems must comply with the repeat monitoring requirements and E. coli analytical requirements in R.61-58.17.I.

(c) Once all monitoring required by this section and R.61-58.17.I for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in R.61-58.17.J have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by R.61-58.17.J.

(d) Seasonal systems.

(i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Department-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(2) Routine monitoring frequency for total coliforms.

Subpart H systems (including consecutive systems) must monitor monthly. Systems may not reduce monitoring.

(3) Unfiltered subpart H systems.

A subpart H system that does not practice filtration in compliance with R.61-58.10 must collect at least one total coliform sample near the first service connection each day the turbidity level of the source water, measured as specified in R.61-58.10.F(2)(b), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the system must collect this coliform sample within 24 hours of the first exceedance, unless the Department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within 30 hours of collection and identifies an alternative sample collection schedule. Sample results from this coliform monitoring must be included in determining whether the coliform treatment technique trigger in R.61-58.17.J has been exceeded.

H. Routine monitoring requirements for public water systems serving more than 1,000 people.

(1) General.

(a) The provisions of R.61-58.17.H apply to public water systems serving more than 1,000 persons.

(b) Following any total coliform-positive sample taken under the provisions of R.61-58.17.H, systems must comply with the repeat monitoring requirements and E. coli analytical requirements in R.61-58.17.I.

(c) Once all monitoring required by this section and R.61-58.17.I for a calendar month has been completed, systems must determine whether any coliform treatment technique triggers specified in R.61-58.17.J have been exceeded. If any trigger has been exceeded, systems must complete assessments as required by R.61-58.17.J.

(d) Seasonal systems.

(i) Beginning April 1, 2016, all seasonal systems must demonstrate completion of a Department-approved start-up procedure, which may include a requirement for start-up sampling prior to serving water to the public.

(ii) The Department may exempt any seasonal system from some or all of the requirements for seasonal systems if the entire distribution system remains pressurized during the entire period that the system is not operating.

(2) Monitoring frequency for total coliforms.

The monitoring frequency for total coliforms is based on the population served by the system, as follows:

MINIMUM NUMBER OF POPULATION SERVED	MINIMUM NUMBER OF SAMPLES PER MONTH
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270
970,001 to 1,230,000	300
1,230,001 to 1,520,000	330
1,520,001 to 1,850,000	360
1,850,001 to 2,270,000	390
2,270,001 to 3,020,000	420
3,020,001 to 3,960,000	450
3,960,001 or more	480

(3) Unfiltered subpart H systems.

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A subpart H system that does not practice filtration in compliance with R.61-58.10 must collect at least one total coliform sample near the first service connection each day the turbidity level of the source water, measured as specified in R.61-58.10.F(2)(b), exceeds 1 NTU. When one or more turbidity measurements in any day exceed 1 NTU, the system must collect this coliform sample within 24 hours of the first exceedance, unless the Department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within 30 hours of collection and identifies an alternative sample collection schedule. Sample results from this coliform monitoring must be included in determining whether the coliform treatment technique trigger in R.61-58.17.J has been exceeded.

(4) Reduced monitoring.

Systems may not reduce monitoring, except for non-community water systems using only ground water (and not ground water under the direct influence of surface water) serving 1,000 or fewer people in some months and more than 1,000 persons in other months. In months when more than 1,000 persons are served, the systems must monitor at the frequency specified in paragraph R.61-58.17.H(2). In months when 1,000 or fewer people are served, the Department may reduce the monitoring frequency, in writing, to a frequency allowed under R.61-58.17.E for a similarly situated system that always serves 1,000 or fewer people, taking into account the provisions in R.61-58.17.E(5) through (7).

I. Repeat monitoring and E. coli requirements.

(1) Repeat monitoring.

(a) If a sample taken under R.61-58.17.E though R.61-58.17.H is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result. The system must collect no fewer than three repeat samples for each total coliform-positive sample found. The Department may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. Alternatively, the Department may implement criteria for the system to use in lieu of case-by-case extensions. In the case of an extension, the Department must specify how much time the system has to collect the repeat samples. The Department cannot waive the requirement for a system to collect repeat samples in R.61-58.17.I(1)(a) through (1)(c).

(b) The system must collect all repeat samples on the same day, except that the Department may allow a system with a single service connection to collect the required set of repeat samples over a three-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 300 ml.

(c) The system must collect an additional set of repeat samples in the manner specified in R.61-58.17.I(1)(a) through (1)(c) if one or more repeat samples in the current set of repeat samples is total coliform-positive. The system must collect the additional set of repeat samples within 24 hours of being notified of the positive result, unless the Department extends the limit as provided in R.61-58.17.I(1)(a). The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the system determines that a coliform treatment technique trigger specified in R.61-58.17.J(1) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the Department. If a trigger identified in R.61-58.17.J is exceeded as a result of a routine sample being total coliform-positive, systems are required to conduct only one round of repeat monitoring for each total coliform-positive routine sample.

(d) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(e) Results of all routine and repeat samples taken under R.61-58.17.E through R.61-58.17.I not invalidated by the Department must be used to determine whether a coliform treatment technique trigger specified in R.61-58.17.J has been exceeded.

(2) *Escherichia coli* (*E. coli*) testing.

(a) If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if *E. coli* are present. If *E. coli* are present, the system must notify the Department by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Department before the end of the next business day.

(b) The Department has the discretion to allow a system, on a case-by-case basis, to forgo *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is *E. coli*-positive. Accordingly, the system must notify the Department as specified in R.61-58.17.I(2)(a) and the provisions of R.61-58.5.F(3) apply.

J. Coliform treatment technique triggers and assessment requirements for protection against potential fecal contamination.

(1) Treatment technique triggers.

Systems must conduct assessments in accordance with R.61-58.17.J(2) of this section after exceeding treatment technique triggers in R.61-58.17.J(1)(a) and (1)(b).

(a) Level 1 treatment technique triggers.

(i) For systems taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.

(ii) For systems taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.

(iii) The system fails to take every required repeat sample after any single total coliform-positive sample.

(b) Level 2 treatment technique triggers.

(i) An *E. coli* MCL violation, as specified in R.61-58.17.K(1).

(ii) A second Level 1 trigger as defined in R.61-58.17.J(1)(a), within a rolling 12-month period, unless the Department has determined a likely reason that the samples that caused the first Level 1 treatment technique trigger were total coliform-positive and has established that the system has corrected the problem.

(iii) For systems with approved annual monitoring, a Level 1 trigger in two consecutive years.

(2) Requirements for assessments.

(a) Systems must ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices. Level 2 assessments must be conducted by parties approved by the Department.

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(b) When conducting assessments, systems must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol; sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data. The system must conduct the assessment consistent with any Department directives that tailor specific assessment elements with respect to the size and type of the system and the size, type, and characteristics of the distribution system.

(c) Level 1 Assessments.

A system must conduct a Level 1 assessment consistent with Department requirements if the system exceeds one of the treatment technique triggers in R.61-58.17.J(1)(a).

(i) The system must complete a Level 1 assessment as soon as practical after any trigger in R.61-58.17.J(1)(a). In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the completed Level 1 assessment form to the Department within 30 days after the system learns that it has exceeded a trigger.

(ii) If the Department reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Department must consult with the system. If the Department requires revisions after consultation, the system must submit a revised assessment form to the Department on an agreed-upon schedule not to exceed 30 days from the date of the consultation.

(iii) Upon completion and submission of the assessment form by the system, the Department must determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the Department for correcting the problem.

(d) Level 2 Assessments.

A system must ensure that a Level 2 assessment consistent with Department requirements is conducted if the system exceeds one of the treatment technique triggers in R.61-58.17.J(1)(b). The system must comply with any expedited actions or additional actions required by the Department in the case of an E. coli MCL violation.

(i) The system must ensure that a Level 2 assessment is completed by the Department or by a party approved by the Department as soon as practical after any trigger in R.61-58.17.J(1)(b). The system must submit a completed Level 2 assessment form to the Department within 30 days after the system learns that it has exceeded a trigger. The assessment form must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified.

(ii) The system may conduct Level 2 assessments if the system has staff or management with the certification or qualifications specified by the Department unless otherwise directed by the Department.

(iii) If the Department reviews the completed Level 2 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the Department must consult with the system. If the Department requires revisions after consultation, the system must submit a revised assessment form to the Department on an agreed-upon schedule not to exceed 30 days.

(iv) Upon completion and submission of the assessment form by the system, the Department must determine if the system has identified a likely cause for the Level 2 trigger and determine whether the system has corrected the problem, or has included a schedule acceptable to the Department for correcting the problem.

(3) Corrective Action.

Systems must correct sanitary defects found through either Level 1 or 2 assessments conducted under R.61-58.17.J(2). For corrections not completed by the time of submission of the assessment form, the system must complete the corrective action(s) in compliance with a timetable approved by the Department in consultation with the system. The system must notify the Department when each scheduled corrective action is completed.

(4) Consultation.

At any time during the assessment or corrective action phase, either the water system or the Department may request a consultation with the other party to determine the appropriate actions to be taken. The system may consult with the Department on all relevant information that may impact on its ability to comply with a requirement of R.61-58.17, including the method of accomplishment, an appropriate timeframe, and other relevant information.

K. Violations

(1) E. coli MCL Violation.

A system is in violation of the MCL for E. coli when any of the conditions identified in R.61-58.17.K(1)(a) through (1)(d) occur.

- (a) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample.
- (b) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample.
- (c) The system fails to take all required repeat samples following an E. coli-positive routine sample.
- (d) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

(2) Treatment technique violation.

(a) A treatment technique violation occurs when a system exceeds a treatment technique trigger specified in R.61-58.17.J(1) and then fails to conduct the required assessment or corrective actions within the timeframe specified in R.61-58.17.J(2) and (3).

(b) A treatment technique violation occurs when a seasonal system fails to complete a Department-approved start-up procedure prior to serving water to the public.

(3) Monitoring violations.

(a) Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

(b) Failure to analyze for E. coli following a total coliform-positive routine sample is a monitoring violation.

(4) Reporting violations.

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(a) Failure to submit a monitoring report or completed assessment form after a system properly conducts monitoring or assessment in a timely manner is a reporting violation.

(b) Failure to notify the Department following an E. coli-positive sample as required by R.61-58.17.I(2)(a) in a timely manner is a reporting violation.

(c) Failure to submit certification of completion of Department-approved start-up procedure by a seasonal system is a reporting violation.

L. Reporting and recordkeeping.

(1) Reporting.

(a) E. coli.

(i) A system must notify the Department by the end of the day when the system learns of an E. coli MCL violation, unless the system learns of the violation after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Department before the end of the next business day, and notify the public in accordance with R.61-58.6.

(ii) A system must notify the Department by the end of the day when the system is notified of an E. coli-positive routine sample, unless the system is notified of the result after the Department office is closed and the Department does not have either an after-hours phone line or an alternative notification procedure, in which case the system must notify the Department before the end of the next business day.

(b) A system that has violated the treatment technique for coliforms in R.61-58.17.J must report the violation to the Department no later than the end of the next business day after it learns of the violation, and notify the public in accordance with R.61-58.6.

(c) A system required to conduct an assessment under the provisions of R.61-58.17.J must submit the assessment report within 30 days. The system must notify the Department in accordance with R.61-58.17.J(3) when each scheduled corrective action is completed for corrections not completed by the time of submission of the assessment form.

(d) A system that has failed to comply with a coliform monitoring requirement must report the monitoring violation to the Department within 10 days after the system discovers the violation, and notify the public in accordance with R.61-58.6.

(e) A seasonal system must certify, prior to serving water to the public, that it has complied with the Department-approved start-up procedure.

(2) Recordkeeping.

(a) The system must maintain any assessment form, regardless of who conducts the assessment, and documentation of corrective actions completed as a result of those assessments, or other available summary documentation of the sanitary defects and corrective actions taken under R.61-58.17.J for Department review. This record must be maintained by the system for a period not less than five years after completion of the assessment or corrective action.

(b) The system must maintain a record of any repeat sample taken that meets Department criteria for an extension of the 24-hour period for collecting repeat samples as provided for under R.61-58.17.I(1)(a).

Replace R.61-58 Appendix A to read:

APPENDIX A TO 61-58.6: VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE¹

CONTAMINANT	MCL/MRDL/TT/VIOLATIONS ²		MONITORING & TESTING PROCEDURE VIOLATIONS	
	TIER OF PUBLIC NOTICE REQUIRED	CITATION	TIER OF PUBLIC NOTICE REQUIRED	CITATION
I. Violations of the State Primary Drinking Water Regulations (SPDWR): ³				
A. Microbiological Contaminants				
1.a Total coliform †	2	61-58.5.F(1)	3	61-58.5.G(1) - (5)
1.b Total coliform (TT violations resulting from failure to perform assessments or corrective actions, monitoring violations, and reporting violations) ‡	2	61-58.17.K(2)(a)	3	61-58.17.K(3)(a) 61-58.17.K(4)(a)
1.c Seasonal system failure to follow Department-approved start-up plan prior to serving water to the public or failure to provide certification to the Department. ‡	2	61-58.17.K(2)(b)	3	61-58.17.K(4)(c)
2.a Fecal coliform/E. coli †	1	61-58.5.F(2)	⁴ 1, 3	61-58.5.G(5)
2.b <i>E.coli</i> (MCL, monitoring, and reporting violations). ‡	1	61-58.17.K(1)	3	61-58.17.K(3)(b) 61-58.17.K(4)(a) 61-58.17.K(4)(b)
2.c <i>E. coli</i> (TT violations resulting from failure to perform level 2 Assessments or corrective action) ‡	2	61-58.17.K(2)(a)		
3. Turbidity MCL	2	61-58.10.E, H, & I	3	61-58.10.F
4. Turbidity MCL (average of 2 days samples greater than 5 NTU)	⁵ 2, 1	61-58.10.C, E, H & I	3	61-58.10.F
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	⁶ 2, 1	61-58.10.C(i)(b) 61-58.10.C(3)(b) 61-58.10.F(2)(b), 61-58.10.E(1)(b),	3	61-58.10.F 61-58.10.F(3) 61-58.10.H

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		61-58.10.E(2)(b), 61-58.10.E(3)(b), 61-58.10.E(4), 61-58.10.H(4)(a)(ii), 61-58.10.H(4)(b), 61-58.10.I(6)(b) 61-58.10.B - E		61-58.10(I)(7)(a) (i)-(iii) & (b)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT).	2			61-58.10
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	⁷ 2	61-58.10.B - E 61-58.10.I(1)-(7)	3	61-58.10.H(3), (5) 61-58.10.I(4) & (5) 61-58.10.I(7)
8. Filter Backwash Recycling Rule violations	2	61-58.10.J(3)	3	61-58.10.J(2) & (4)
9. Long Term 1 Enhanced Surface Water Treatment Rule Violations.	2	61-58.10.I(1)-(7)	3	61-58.10.I(4) & (5) 61-58.10.I(7)
10. LT2ESWTR violations	2	61-58.10.K(11) – (21)	²² 2,3	61-58.10.K(2) – (6) & 61-58.10.K(9) – (10)
11. Ground Water Rule Violations	2	61-58.16.G	3	61-58.16.E(8) 61-58.16.F(4)
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B. Inorganic Chemicals (IOCs)				
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1. Antimony	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
2. Arsenic	2	⁸ 61-58.5.B(2)	3	⁹ 61-58.5.C(7)
3. Asbestos (fibers >10µm)	2	61-58.5.B(2)	3	61-58.5.C(7), (8)
4. Barium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
5. Beryllium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
6. Cadmium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
7. Chromium (total)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
8. Cyanide	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
9. Fluoride	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
10. Mercury (inorganic)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
11. Nitrate	1	61-58.5.B(2)	¹⁰ 1, 3	61-58.5.C(7), (10) 61-58.5.C(12)
12. Nitrite	1	61-58.5.B(2)	¹⁰ 1, 3	61-58.5.C (7,) (10), 61-58.5.C(12)
13. Total Nitrate and Nitrite	1	61-58.5.B(2)	3	61-58.5.C(7)

14. Selenium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
15. Thallium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

1. Lead and Copper Rule (TT)	2	61-58.11.B - G	3	61-58.11.H - K
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D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	61-58.5.D	3	61-58.5.E(7)
2. 2,4,5-TP (Silvex)	2	61-58.5.D	3	61-58.5.E(7)
3. Alachlor	2	61-58.5.D	3	61-58.5.E(7)
4. Atrazine	2	61-58.5.D	3	61-58.5.E(7)
5. Benzo(a)pyrene (PAHs)	2	61-58.5.D	3	61-58.5.E(7)
6. Carbofuran	2	61-58.5.D	3	61-58.5.E(7)
7. Chlordane	2	61-58.5.D	3	61-58.5.E(7)
8. Dalapon	2	61-58.5.D	3	61-58.5.E(7)
9. Di (2-ethylhexyl) adipate	2	61-58.5.D	3	61-58.5.E(7)
10. Di (2-ethylhexyl) phthalate	2	61-58.5.D	3	61-58.5.E(7)
11. Dibromochloropropane	2	61-58.5.D	3	61-58.5.E(7)
12. Dinoseb	2	61-58.5.D	3	61-58.5.E(7)
13. Dioxin (2,3,7,8-TCDD)	2	61-58.5.D	3	61-58.5.E(7)
14. Diquat	2	61-58.5.D	3	61-58.5.E(7)
15. Endothall	2	61-58.5.D	3	61-58.5.E(7)
16. Endrin	2	61-58.5.D	3	61-58.5.E(7)
17. Ethylene dibromide	2	61-58.5.D	3	61-58.5.E(7)
18. Glyphosate	2	61-58.5.D	3	61-58.5.E(7)
19. Heptachlor	2	61-58.5.D	3	61-58.5.E(7)
20. Heptachlor epoxide	2	61-58.5.D	3	61-58.5.E(7)
21. Hexachlorobenzene	2	61-58.5.D	3	61-58.5.E(7)
22. Hexachlorocyclo-pentadiene	2	61-58.5.D	3	61-58.5.E(7)
23. Lindane	2	61-58.5.D	3	61-58.5.E(7)
24. Methoxychlor	2	61-58.5.D	3	61-58.5.E(7)
25. Oxamyl (Vydate)	2	61-58.5.D	3	61-58.5.E(7)
26. Pentachlorophenol	2	61-58.5.D	3	61-58.5.E(7)
27. Picloram	2	61-58.5.D	3	61-58.5.E(7)
28. Polychlorinated biphenyls (PCBs)	2	61-58.5.D	3	61-58.5.E(7)

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29. Simazine	2	61-58.5.D	3	61-58.5.E(7)
30. Toxaphene	2	61-58.5.D	3	61-58.5.E(7)

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	61-58.5.N	3	61-58.5.O
2. Carbon tetrachloride	2	61-58.5.N	3	61-58.5.O
3. Chlorobenzene (monochlorobenzene)	2	61-58.5.N	3	61-58.5.O
4. o-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
5. p-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
6. 1,2-Dichloroethane	2	61-58.5.N	3	61-58.5.O
7. 1,1-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
8. cis-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
9. trans-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
10. Dichloromethane	2	61-58.5.N	3	61-58.5.O
11. 1,2-Dichloropropane	2	61-58.5.N	3	61-58.5.O
12. Ethylbenzene	2	61-58.5.N	3	61-58.5.O
13. Styrene	2	61-58.5.N	3	61-58.5.O
14. Tetrachloroethylene	2	61-58.5.N	3	61-58.5.O
15. Toluene	2	61-58.5.N	3	61-58.5.O
16. 1,2,4-Trichlorobenzene	2	61-58.5.N	3	61-58.5.O
17. 1,1,1-Trichloroethane	2	61-58.5.N	3	61-58.5.O
18. 1,1,2-Trichloroethane	2	61-58.5.N	3	61-58.5.O
19. Trichloroethylene	2	61-58.5.N	3	61-58.5.O
20. Vinyl chloride	2	61-58.5.N	3	61-58.5.O
21. Xylenes (total)	2	61-58.5.N	3	61-58.5.O

F. Radioactive Contaminants

1. Beta/photon emitters	2	61-58.5.H(4)	3	61-58.5.K(1), 61-58.5.I.(3)
2. Alpha emitters	2	61-58.5.H(3)	3	61-58.5.K(1), 61-58.5.I(2)
3. Combined radium (226 & 228)	2	61-58.5.H(2)	3	61-58.5.K(1), 61-58.5.I2)
4. Uranium	¹¹ 2	61-58.5.H(5)	¹² 3	61-58.5.K(1), 61-58.5.I(2)

G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹³

1. Total trihalomethanes (TTHMs)	2	¹⁴ 61-58.5.L, 61-58.5.P	3	¹⁴ 61-58.5.M 61-58.13.C(1), (2) 61-58.14, 61-58.15
2. Haloacetic Acids (HAA5)	2	61-58.5.P	3	61-58.13.C(1), (2) 61-58.14, 61-58.15
3. Bromate	2	61-58.5.P	3	61-58.13.C(1), (2)
4. Chlorite	2	61-58.5.P	3	61-58.13.C(1), (2)
5. Chlorine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
6. Chloramine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
7. Chlorine dioxide (MRDL) where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	61-58.5.Q, 61-58.13.D	2 ¹⁵ , 3	61-58.13.C(1), (3), 61-58.13.C(3)(b)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	¹⁶ 1	61-58.5.Q, 61-58.13.D(3)	1	61-58.13.C(1), (3), 61-58.13.D(3)(b)
9. Control of DBP precursors--TOC (TT)	2	61-58.13.F(1), (2)	3	61-58.13.C(1), (4)
10. Bench marking and disinfection profiling.	N/A	N/A	3	61-58.10.G(3) 61-58.10.H(3) 61-58.10.I(4) & (5)
11. Development of monitoring plan	N/A	N/A	3	61-58.13.C(6)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	61-58.5.AA	N/A	N/A
2. Epichlorohydrin (TT)	2	61-58.5.AA	N/A	N/A

II. Unregulated Contaminant Monitoring:¹⁷

A. Unregulated contaminants	N/A	N/A	3	61-58.5.T
B. Nickel	N/A	N/A	3	61-58.5.C(9), (17)

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III. Public Notification for Variances and Exemptions:

A. Operation under a variance or exemption	3	¹⁸ 61-58.9	N/A	N/A
B. Violation of conditions of a variance or exemption	2	¹⁹ 61-58.9	N/A	N/A

IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	61-58.5.R	N/A	N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by Department	1	61-58.5.B(3)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	61-58.5.T	N/A	N/A
D. Waterborne disease outbreak	1	61-58.B(156) 61-58.10.C(3)(b)(ii)	N/A	N/A
E. Other waterborne emergency ²⁰	1	N/A	N/A	N/A
F. Source water sample positive for Ground Water Rule fecal indicators: E. coli, enterococci, or coliphage	1	61-58.16.E(7)	N/A	N/A
G. Other situations as determined by the Department	²¹ 1, 2, 3	N/A	N/A	N/A

Appendix A to R.61-58.6 - Endnotes

† Until March 31, 2016

‡ Beginning April 1, 2016

¹ Violations and other situations not listed in this table (e.g., failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Department. The Department may, at its option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under R.61-58.6.E(2)(a) and (3)(a).

² MCL--Maximum contaminant level, MRDL--Maximum residual disinfectant level, TT--Treatment technique

³ The term Violations of State Primary Drinking Water Regulations (SPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

⁴ Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

- ^{5.} Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.
- ^{6.} Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are required to consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.
- ^{7.} Most of the requirements of the Interim Enhanced Surface Water Treatment Rule, R.61-58.10.B - C become effective January 1, 2002 for surface water systems and ground water systems under the direct influence of surface water serving at least 10,000 persons. However, R.61-58.10.H(3) has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supersede the SWTR.
- ^{8.} The arsenic MCL citations are effective January 23, 2006. Until then the citations are R.61-58.5(B)(2).
- ^{9.} The arsenic Tier 3 violations MCL citations are effective January 23, 2006. Until then, the citations are R.61-58.C(7).
- ^{10.} Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
- ^{11.} The uranium MCL, Tier 2 violation citations are effective December 8, 2003 for all community water systems.
- ^{12.} The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.
- ^{13.} Community and non-transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
- ^{14.} R.61-58.5.L, and R.61-58.13.C(1) – (2) apply until R.61-58.14 and R.61-58.15 take effect under the schedule in R.61-58.14.
- ^{15.} Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.
- ^{16.} If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.
- ^{17.} Some water systems must monitor for certain unregulated contaminants listed in R.61-58.5.T
- ^{18.} This citation refers to the requirements of R.61-58.9 that “a schedule prescribed ...for a public water system granted a variance [or exemption] shall require compliance by the system . . .”
- ^{19.} In addition to R.61-58.9 specifies the items and schedule milestones that must be included in a variance for small systems.
- ^{20.} Other waterborne emergencies require a Tier 1 public notice under R.61-58.6.E(2)(a) for situations that do not meet the definition of a waterborne disease outbreak given in R.61-58.B(174) but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water

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treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

^{21.} The Department may place other situations in any tier they believe appropriate, based on threat to public health.

^{22.} Failure to collect three or more samples for *Cryptosporidium* analysis is a Tier 2 violation requiring special notice as specified in R.61-58.6.E(11). All other monitoring and testing procedure violations are Tier 3.

Replace R.61-58 Appendix B to read:

APPENDIX B TO R.61-58.6: STANDARD HEALTH EFFECTS LANGUAGE FOR PUBLIC NOTIFICATION

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
State Primary Drinking Water Regulations (SPDWR):			
A. Microbiological Contaminants:			
1a. Total coliform †	Zero	See footnote ³	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli ‡	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants young children, some of the elderly, and people with severely compromised immune systems.
1c. Fecal Indicators (Ground Water Rule)			Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
i. E. coli	Zero	TT	
ii. enterococci	None	TT	
iii. coliphage	None	TT	
1d. Ground Water Rule TT violations	None	TT	Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.
1e. Revised Total Coliform Rule (R.61-58.17) Coliform Assessment and/or Corrective Action Violations ‡	N/A		Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential

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<p>1f. Revised Total Coliform Rule (R.61-58.17) N/A E. coli Assessment and/or Corrective Action Violations ‡</p>	<p>TT</p>	<p>pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found. [THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.]</p>
<p>1g. E. coli ‡</p>	<p>Zero</p>	<p>In compliance unless one of the following conditions occurs: (1) The system has an E. coli-positive repeat sample following a total coliform-positive routine sample. (2) The system has a total coliform-positive repeat sample following an E. coli-positive routine sample. (3) The system fails to take all required repeat samples following an E. coli-positive routine</p> <p>We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s). E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these waters can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. [THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.]</p> <p>We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment that we conducted. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.</p>

sample.
 (4) The system fails to test for E. coli when any repeat sample tests positive for total coliform.

1h. Revised Total Coliform Rule (R.61-58.17) Seasonal System TT Violations ‡	N/A	TT	When this violation includes the failure to monitor for total coliforms or E. coli prior to serving water to the public, the mandatory language found at R.61-58.6.E(5)(d)(ii) must be used. When this violation includes failure to complete other actions, the appropriate elements found in R.61-58.6.E(5)(a) to describe the violation must be used.
2a. Turbidity (MCL) ⁴	None	1 NTU ⁵ / ₅ NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) ⁶	None	TT ⁷	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT) ⁸	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and Filter Backwash Recycling Rule (FBRR) violations:

3. <i>Giardia lamblia</i> Zero (SWTR/IESWTR/LT1ESWTR)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps,
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diarrhea, and associated headaches.

- 4. Viruses (SWTR/IESWTR/LT1ESWTR)
- 5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR/LT1ESWTR).
- 6. *Legionella* (SWTR/IESWTR/LT1ESWTR).
- 7. *Cryptosporidium* (IESWTR/FBRR/LT1ESWTR).

C. Inorganic Chemicals (IOCs):

8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic ¹¹	Zero	0.010	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL ¹²	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental

17. Mercury (inorganic)	0.002	0.002	fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums. Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

D. Lead and Copper Rule:

23. Lead	Zero	TT ¹³	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT ¹⁴	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the

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action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

E. Synthetic Organic Chemicals (SOCs):

25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could minor kidney changes.
33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement or possible reproductive difficulties.
34. Di (2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl) phthalate well in excess of the MCL many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclo pentadiene	0.05	0.05	Some people who drink water containing Hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the

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48. Methoxychlor	0.04	0.04	MCL over many years could experience problems with their kidneys or liver. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs).	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs):			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene

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71. 1,1,1-Trichloroethane	0.2	0.2	well in excess of the MCL over many years could experience changes in their adrenal glands. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
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G. Radioactive Contaminants:			
76. Beta/photon emitters	Zero	4 mrem/yr ¹⁵	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L ¹⁶	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁷	Zero	30µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs):¹⁸

80. Total trihalomethanes (TTHMs)	N/A	0.08017 ^{19, 20}	Some people who drink water containing trihalomethanes excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 ²¹	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ²²	4.0 (MRDL) ²³	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL.	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of a the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine ioxide in excess of the MRDL. Some people may experience anemia. <i>Add for public notification only:</i> The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only not within the distribution system which delivers

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86b. Chlorine dioxide, where one or more water distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	<p>water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.</p> <p>Some infants and young children who drink containing chlorine dioxide in excess of the MRDL could experience nervous effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p> <p><i>Add for public notification only:</i> The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.</p> <p>Total organic carbon (TOC) has no health effects However, total organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>
87. Control of DBP precursors (DBP)	None	TT	
I. Other Treatment Techniques:			
88. Acrylamide	Zero	TT	<p>Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.</p>
89. Epichlorohydrin	Zero	TT	<p>Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.</p>

Appendix B to R.61-58.6 - endnotes

† Until March 31, 2016

‡ Beginning April 1, 2016

¹. MCLG - Maximum contaminant level goal

². MCL - Maximum contaminant level

³. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

⁴. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration.

⁵. NTU - Nephelometric turbidity unit

⁶. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Department.

⁷. TT - Treatment technique

⁸. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2002 Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department. For systems subject to the LT1ESWTR (systems serving fewer than 10,000 people, using surface water or ground water under the direct influence of surface water) that use conventional filtration or direct filtration, after January 1, 2005 the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department.

⁹. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

¹⁰. SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

¹¹. These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

¹². Millions fibers per liter.

¹³. Action Level = 0.015 mg/L

¹⁴. Action Level = 1.3 mg/L

¹⁵. Millirems per years

¹⁶. Picocuries per liter

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¹⁷ The uranium MCL is effective December 8, 2003 for all community water systems.

¹⁸ Surface water systems and ground water systems under the direct influence of surface water are regulated under R.61-58.10. Community and non-transient non-community systems serving greater than, or equal to 10,000 must comply with R.61-58.13 DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community systems must comply with R.61-58.13 DBP MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. All other transient non-community systems that use chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning on January 1, 2004.

¹⁹ Community and non-transient non-community systems that must comply with R.61-58.14 TTHM and HAA5 MCLs of 0.080 mg/L and 0.060 mg/L, respectively (with compliance calculated as a locational running annual average) on the schedule in R.61-58.15.

²⁰ The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

²¹ The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

²² MRDLG--Maximum residual disinfectant level goal.

²³ MRDL--Maximum residual disinfectant level.

Replace R.61-58 Appendix D to R.61-58.12 to read:

APPENDIX D TO R.61-58.12: CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
Microbiological contaminants:						
Total Coliform Bacteria †	MCL: (systems that collect > 40 samples/month) 5% of monthly samples are positive; (systems that collect <40 samples/month) 1 positive monthly sample.		MCL: (systems that collect ≥40 samples/month) 5% of monthly samples are positive; (systems that collect <40 samples/month) 1 positive monthly sample.	0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Total Coliform Bacteria ‡	TT			N/A	Naturally present in the environment	Use language in R.51-58.12.C(11)(g)(i)(A)
Fecal coliform and E. coli †	0		0	0	Human and animal fecal waste	Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
E. coli ‡	Routine and repeat samples are total coliform-positive and		Routine and repeat samples are total coliform-positive and	0	Human and animal fecal waste	E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these

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	either is E. coli-positive or system fails to take repeat samples following E. coli-positive routine sample or system fails to analyze total coliform-positive repeat sample for E. coli					either is E. coli-positive or system fails to take repeat samples following E. coli-positive routine sample or system fails to analyze total coliform-positive repeat sample for E. coli			wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely-compromised immune systems.
Fecal Indicators (enterococci or coliphage).	TT	TT	N/A	Human and animal fecal waste.	Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.				
Total organic carbon (ppm)	TT	TT	N/A	Naturally present	Total organic carbon (TOC) has no health effects. However, total organic carbon in the environment provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.				
Turbidity (NTU)	TT	TT	N/A	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.				

Radioactive contaminants:

Beta/photon emitters (mrem/yr)	4 mrem/yr		4	N/A	Decay of natural and man-made deposits.	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/L)	15 pCi/L		15	N/A	Erosion of natural deposits.	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/L)	5 pCi/L		5	N/A	Erosion of natural deposits.	Some people who drink water containing radium-226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/L)	30 µg/L		30	0	Erosion of natural deposits.	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk getting cancer and kidney toxicity.

Inorganic contaminants:

Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	¹ 0.010	1000	¹ 10.	¹ 0	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL)	7 MFL		7	7	Decay of asbestos cement water mains; production wastes; erosion of natural	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal

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Barium (ppm)	2		2	2	deposits. Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.	polyps. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions
Bromate (ppb)	.010	1000	10	0	By-product of drinking water chlorination.	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chloramines (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes.	Some people who use water containing chloramines well in excess of the MRDL could experience irritating to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorite (ppm)	1		1	0.8	By-product of drinking water chlorination.	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp; mills; Erosion of Natural deposits.	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm)	AL=1.3		AL=1.3	1.3	Corrosion of household plumbing. Erosion of natural deposits.	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

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Fluoride (ppm)	4		4	4	Erosion of natural deposits; Water additive which promotes strong teeth Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits;discharge from refineries and factories; Runoff from landfills; Runoff from cropland.	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage
Nitrate (ppm)	10		10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1		1	1	Runoff from fertilizer use; Leaching from septic tanks sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops.	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT		TT	0	Added to water during sewage/ wastewater treatment.	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops.	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops.	Some people who drink water containing atrazine well in excess of the MCL over many years could experience on problems with their cardiovascular system or reproductive difficulties.

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Benzo(a)pyrene (nanograms/l).	[PAH]	.0002	1,000,000	200	0	Leaching from linings of water storage tanks distribution lines.	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)		.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa.	Some people who drink carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)		.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)		.2	1000	200	200	Runoff from herbicide used on rights of way.	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb).		.4	1000	400	400	Discharge from chemical factories.	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement or possible reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb).		.006	1000	6	0	Discharge from rubber and chemical factories.	Some people who drink water containing di(2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)		.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)		.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables.	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)		.02	1000	20	20	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

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Dioxin [2,3,7,8-TCDD] (ppq).	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories.	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use.	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin.	TT		TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries.	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide.	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor.	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

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Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories.	Some people who drink water containing Hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects and may have an increased risk of getting cancer
Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples potatoes and tomatoes.	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
PCBs [Polychlorinated biphenyls] (ppt).	.0005	1,000,000	500	0	Runoff from landfills Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle.	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer
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Volatile organic contaminants:

Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills.	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities.	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with in their liver and may have an increased risk of getting cancer.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories.	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

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cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories.	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb).	.1	1000	100	10	Discharge from industrial chemical factories.	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increase risk of getting cancer.
1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-Dichloropropane excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries.	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb).	.060	1000	60	N/A	By-product of drinking water disinfection.	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories and leaching from landfills.	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners.	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories.	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories.	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb).	.005	1000	5	3	Discharge from industrial chemical factories.	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	0.10/.080	1000	100/80	N/A	By-product of drinking water disinfection.	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1		1	1	Discharge from petroleum factories.	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from from plastics factories.	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm)	10		10	10	Discharge from petroleum factories; Discharge from chemical factories.	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key:

AL=Action Level

MCLG=Maximum Contaminant Level Goal

MRDL=Maximum Residual Disinfectant Level

mrem/year=millirems per year (a measure of radiation absorbed by the body)

N/A=Not Applicable

pCi/l=picocuries per liter (a measure of radioactivity)

MCL=Maximum Contaminant Level

MFL=million fibers per liter

MRDLG=Maximum Residual Disinfectant Level Goal

NTU=Nephelometric Turbidity Units (a measure of water clarity)

ppm=parts per million, or milligrams per liter (mg/L)

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ppb=parts per billion, or micrograms per liter ($\mu\text{g}/\text{l}$)

ppq=parts per quadrillion, or picograms per liter

Appendix D to R.61-58.12 - endnotes

ppt=parts per trillion, or nanograms per liter

TT=Treatment Technique

¹ These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

† Until March 31, 2016

‡ Beginning April 1, 2016

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 44-1-140(7), 44-55-2310 et seq., 44-1-60.

DESCRIPTION OF REGULATION: Amendment of Regulation 61-58, *State Primary Drinking Water Regulations* (R.61-58).

Purpose: These amendments are no less stringent than the *National Primary Drinking Water Regulations* in order for the Department to maintain primary enforcement responsibility for the drinking water supervision program in the state.

Legal Authority: R.61-58, *State Primary Drinking Water Regulations*, is authorized by the *Safe Drinking Water Act* at S.C. Code 44-55-10 et seq.

Plan for Implementation: The amendments took effect upon approval by the Board of Health and Environmental Control on September 11, 2014, and publication in the *State Register* on September 26, 2014. A copy of R.61-58, *State Primary Drinking Water Regulations*, that incorporate these amendments, will be made available electronically on the Department's website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Water/>. These amendments will be implemented in the same manner in which the current regulations are implemented.

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

The adoption of these amendments will allow the Department to continue to be the primacy agency for the implementation of the *Safe Drinking Water Act* and *National Primary Drinking Water Regulations* in the state. The amendments will comply with 40 CFR 141 and 142. These changes will eliminate the monthly maximum contaminant level (MCL) for total coliform bacteria and will require public water systems with an indication of coliform contamination in the distribution system to assess the problem and take corrective action.

DETERMINATION OF COSTS AND BENEFITS:

A fiscal impact statement is not required for regulations that do not require legislative review pursuant to Code Section 1-23-120; however, these amendments will have minimal financial impact and may result in costs savings for some public water systems as well as the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There should be no effect on the environment from these amendments. These amendments may provide an opportunity for enhanced public health protection by focusing on assessing and correcting problems that lead to coliform contamination rather than requiring public notification.

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

There will not be a detrimental effect to the environment as a result of these amendments. While it is anticipated that the more proactive approach in the amendments may lead to a quicker resolution of coliform

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contamination problems, it is difficult to definitively argue that there would be a detrimental effect on public health if the amendments were not implemented.

Document No. 4486
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Article I, Subarticle 6 and Subarticle 7
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgate the following changes to South Carolina Regulations:

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

Revisions to Sections: 1910.136, 1910.137, 1910.217, 1910.269, 1910.331, 1910.399,
Appendix A to Part 1910.269 Flow Charts, Appendix B to Subpart I, Nonmandatory Compliance
Guidelines for Hazard Assessment and Personal Protective Equipment Selection

In Subarticle 7 (Construction):

Revisions to Sections: 1926.6, 1926.97, 1926.500, 1926.950, 1926.951, 1926.952, 1926.953, 1926.954,
1926.955, 1926.956, 1926.957, 1926.958, 1926.959, 1926.960, 1926.961, 1926.962, 1926.963, 1926.964,
1926.965, 1926.966, 1926.967, 1926.968, Appendix A to Subpart V of Part 1926-Reserved, Appendix B to
Subpart V of Part 1926, Working on Exposed Energized Parts, Appendix C to Subpart V of part 1926-
Protection from Hazardous Differences in Electric Potential, Appendix D to Subpart V of 1926-Methods of
Inspecting and Testing Wood Poles, Appendix E to Subpart V of Part 1926-Protection from Flames and
Electric Arcs, Appendix F to Subpart V of Part 1926-Work-positioning Equipment Inspection Guidelines,
Appendix G to Subpart V of Part 1926-Reference Documents, 1926.1053, 1926.1400 and 1926.1410

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.