

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2002 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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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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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2541	R109	SR25-7 Lic Comm Residential Care Facilities		Department of Health and Envir Control
2533	R111	SR25-9 Criminal Justice Information System		Law Enforcement Division
2609	R160	SR26-1 State Human Resources		Budget and Control Board
2567		SR26-2 Req for Additional Area of Certification	1 14 02	Board of Education
2581		SR26-2 Continuing Insurance Education	1 15 02	Department of Insurance
2600		SR26-2 Need-based Grants Program	1 22 02	Commission on Higher Education
2601		SR26-2 Palmetto Fellows Scholarship Program	1 22 02	Commission on Higher Education
2569		SR26-2 Types and Levels of Credential Classif	1 27 02	Board of Education
2602		SR26-2 Hunt Units and Wildlife Management	2 04 02	Department of Natural Resources
2566		SR26-4 Graduation Requirements	3 09 02	Board of Education
2616		SR26-4 Well Standards	3 10 02	Department of Health and Envir Control
2518		SR26-4 Perinatal Care	3 16 02	Department of Health and Envir Control
2618		SR26-4 Hunt Units and WMAs	4 01 02	Department of Natural Resources
2621		SR26-4 Retail Managers; Finance Managers	4 01 02	LLR: Manufactured Housing Board
2586		Definition of a Limousine	4 13 02	Public Service Commission
2613		Assessment Program	4 24 02	Board of Education
2626		Licensing Nonpublic Postsecondary Ed Instit	5 01 02	Commission on Higher Education
2614		Defin, Permits, Sts for Tidelands Coastal	5 01 02	Department of Health and Envir Control
2623	R.253	Standards for Permitting Body Piercing	5 07 02	Department of Health and Envir Control
2593		Nitrogen Oxides	5 07 02	Department of Health and Envir Control
2625		Student Loan Corp	5 07 02	Commission on Higher Education
2631		Staff Leasing Services	5 07 02	Department of Consumer Affairs
2640		Hazardous Waste management	5 07 02	Department of Natural Resources
2643		Operation of Health Maintenance Org	5 07 02	Department of Health and Envir Control
2637		Classified Waters	5 07 02	Department of Health and Envir Control
2645		Public Swimming Pools	5 07 02	Department of Health and Envir Control
2630		Drought Planning Response	5 07 02	Department of Natural Resources
2659		End-of-Course Tests	5 07 02	Board of Education
2664		Requirements for Limited License	5 07 02	LLR: Board of Medical Examiners
2678	R.197	SR26-3 SC National Guard Student Loan Prog	5 07 02	Commission on Higher Education
2660	R243	Standards for Licensing Hospices	5 08 02	Department of Health and Envir Control
2685		Seasons, Limits, Methods, Use WMA's	5 08 02	Department of Natural Resources
2657		Real Property Owned by Department	5 08 02	Department of Natural Resources
2661		State Primary Drinking Water	5 08 02	Department of Health and Envir Control
2671		Standards for Wastewater Facility Construction	5 08 02	Department of Health and Envir Control
2690		Trout Harvest	5 09 02	Department of Natural Resources
2667	R.225	SR26-4 General Retention Schedule for State Financial Records	5 10 02	Department of Archives and History
2668		General Retention Schedule for State Personnel Records	5 13 02	Department of Archives and History
2669	R.226	SR26-4 General Retention Schedules for County Records	5 13 02	Department of Archives and History
2666	R.224	SR26-4 General Retention Schedules for State Administrative Records	5 13 02	Department of Archives and History
2681		Teacher Education Program Approval	5 13 02	Board of Education
2684		Renewal of Credentials	5 13 02	Board of Education
2651		Alcoholic Liquor Advertising	5 15 02	Department of Revenue
2650		ABC Name and Cite Change	5 15 02	Department of Revenue
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2672		Retail Food Establishment Inspection Fees	5 16 02	Department of Health and Envir Control
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2670		Standards of Performance for Asbestos Projects	5 16 02	Department of Health and Envir Control
2679		Summer Programs	5 20 02	Board of Education
2682		Requirements for Initial Certification at the Advanced Level	5 22 02	Board of Education
2704		Salvage and Subrogation (Repeal)	5 31 02	Department of Insurance
2705		Deposits Required of Insurers	5 31 01	Department of Insurance

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2706		Health Maintenance Organizations	5 31 02	Department of Insurance
2673		Environmental Protection Fees	6 01 02	Department of Health and Envir Control
2646		Standards for the Permitting of Agricultural Animal Facilities	6 06 02	Department of Health and Envir Control
2686		Recording and Reporting Occupational Injuries and Illnesses	6 13 02	Department of Labor, Licensing and Regulation
2687		General-Family Independence Program	6 13 02	Department of Social Services
2688	R246	General-Food Stamp Program	6 13 02	Department of Social Services
2663		Bonds for Water and Wastewater Utilities	7 03 02	Public Service Commission
2711		Foster Care	7 03 02	Department of Social Services
2710		Non-Game and Endangered Species	7 05 02	Department of Natural Resources
2722		Team Physicians; Limited Practice Permitted	7 10 02	LLR: Board of Medical Examiners
2709		Nonpublic Postsecondary Institutions	7 12 02	Commission on Higher Education
2726		School Incentive Reward Program	7 17 02	Board of Education
2683		Requirements for Trade and Industrial Certification	7 17 02	Board of Education
2720		Communicable Diseases	7 17 02	Department of Health and Envir Control
2719		Vital Statistics	7 18 02	Department of Health and Envir Control
2721		Waste Combustion and Reduction	7 18 02	Department of Health and Envir Control
2715		Infectious Waste Management Regulations	7 18 02	Department of Health and Envir Control
2712		Residential Group Care Organizations for Children	8 21 02	Department of Social Services

REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY
2573	4 24 01	Food Stamp Program	Department of Social Services
2610	4 10 02	In Car Camera Videotaping Equipment	Department of Public Safety

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Commission on Higher Education
2629	4 03 02	Specific Project Stds for Tidelands Coastal	Department of Health and Envir Control

WITHDRAWN:

DOC No.	DATE	SUBJECT	AGENCY
2564	1 09 02	Accreditation Criteria	Board of Education
2611	3 27 02	Highway Patrol, Wrecker Regulations	Department of Public Safety
2620	4 12 02	Percentage Storm or Wind/Hail Deduct	Department of Insurance

2002-09

WHEREAS, Section 4-5-130 of the South Carolina Code of Laws provides that ten percent of the registered voters in an area of one county petitioned and the petition has been presented to the Governor for changing the boundary line or lines between two counties, whereby a portion of the territory of one county would be annexed to another, the Governor shall within 30 days appoint a commission of four persons, two from the territory proposed to be annexed and two from the other territory of the county or counties from which such territory has theretofore been a part; and

WHEREAS, Section 4-5-130 of the South Carolina Code of Laws provides that two of the persons, if such are to be found, shall be opponents and two advocates of the proposed change of line; and

WHEREAS, pursuant to Section 4-5-120 of the Code of Laws of South Carolina, the Mount Gilead Development deposited \$10,000 and filed an annexation petition with the Georgetown County Clerk of Court; and

WHEREAS, the Mount Gilead Development transmitted the annexation petition to the Governor's Office requesting to annex 26 lots and portions of seven other lots of land in Mount Gilead subdivision of Georgetown County with acres of land in Horry County; and

WHEREAS, William A. Chandler, Murrells Inlets, SC; William J. Epperson, Murrells Inlet, SC; Diane D. Moak, Murrells Inlet, SC; and Bill Murray, Pawleys Island, SC; are the fit and proper persons to serve on the commission.

NOW, THEREFORE, pursuant to the authority vested in the undersigned by the Constitution and Statutes of this State, I hereby appoint William A. Chandler, Murrells Inlet, SC; William J. Epperson, Murrells Inlet, SC; Diane D. Moak, Murrells Inlet, SC; and Bill Murray, Pawleys Island, SC; to examine the requested annexation in Georgetown and Horry Counties.

Pursuant to Sections 4-5-140 and 4-5-160 of the South Carolina Code of Laws, the Commission:

- may contract for the survey and location of the proposed change of line and for such purpose may employ three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the commission and the third by the two selected by the commission; and
- shall carefully investigate all facts relating to the area, population and assessed property values of the territory proposed to be severed and that remaining, the proximity of the line to any courthouse and the proper amount of indebtedness of the county losing area to be assessed to the county gaining such area; and
- shall report in writing to the Governor upon all such relevant matters as the Governor may direct for his information; and
- shall also report to the Governor an itemized statement of the expense of the survey and plats; and
- shall submit its final report to the Governor no later than June 1, 2002.

4 EXECUTIVE ORDERS

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 14th DAY
OF MARCH, 2002.**

**JIM HODGES
GOVERNOR**

2002-10

WHEREAS, the Greeleyville Election Commission has determined that an election should be held for three (3) Greeleyville Town Council seats; and

WHEREAS, the Greeleyville Election Commission, competent authority, has requested a new election pursuant to Section 7-13-1170 of the South Carolina Code of Laws; and

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

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

- a. Order that the Greeleyville Election Commission hold an election for the three vacant seats on the Greeleyville Town Council on May 21, 2002 as is permitted by the United States Department of Justice; and
- b. Designate the Greeleyville Election Commission to perform the necessary official duties pertaining to the election and to declare the result.

**GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 14th
DAY OF MARCH, 2002.**

**JIM HODGES
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING**

The Department of Health and Environmental Control issued a Notice of Proposed Regulation to amend Regulation 61-15, Certification of Need for Health Facilities and Services, in the January 25, 2002, issue of the State Register, identified as Document No. 2718. The Notice scheduled a Staff-Informational Forum on February 25, 2002, a write-in comment period, and a Public Hearing scheduled before the DHEC Board on March 14, 2002. The Public Hearing scheduled for March 14, 2002, was postponed and rescheduled for April 11, 2002. The Public Hearing rescheduled for April 11, 2002, was also postponed and has been rescheduled for May 9, 2002. The proposed regulation is being revised based on comments received. All comments received from the Staff Informational Forum and write-in public comment period which ended February 25, 2002, are being considered. All comments received through February 25, 2002, shall be submitted to the Board for consideration at the public hearing in a Summary of Public Comments and Department Responses.

The Public Hearing to be conducted by the Board of Health and Environmental Control for this proposed regulation will be held at the regularly-scheduled Board Meeting on May 9, 2002, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on the agenda in the order presented. The order of presentation for public hearing on May 9, 2002, will be noticed in the Board's agenda to be published by the Department ten (10) days in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. 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. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication April 26, 2002, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Replacement of one mobile Computerized Tomography (CT) unit and one mobile Magnetic Resonance Imaging (MRI) unit with fixed units for a total of two fixed CT scanners and one fixed MRI.

Aiken Regional Medical Centers, Inc.

Aiken, South Carolina

Project Cost: \$3,119,107

Affecting Beaufort County

Construction and renovation for the expansion of Central Sterile Supply and the Materials Management areas; expansion of the Surgical Department to include 2 additional operating rooms for a total of 4 operating rooms and additional surgical support space.

Hilton Head Medical Center & Clinics

Hilton Head Island, South Carolina

Project Cost: \$6,195,104

6 NOTICES

Affecting Berkeley County

Establish a clinic and purchase an Electron Beam Tomography (EBT) Scanner.
The Charleston Clinic, LLC
Daniel Island, South Carolina.
Project Cost: \$2,791,478

Affecting Georgetown County

Construction of an ambulatory surgery center with two (2) operating rooms.
Atlantic Surgery Center
Murrells Inlet, South Carolina
Project Cost: \$1,055,500

Affecting Richland County

Purchase of two (2) multi-slice CT Scanners for a physician's practice.
South Carolina Oncology Associates, P.A.
West Columbia, South Carolina
Project Cost: \$3,566,572

Affecting Richland County

Addition of eight (8) nursing home beds that do not participate in Medicaid, for a total of thirty-eight (38) nursing home beds.
Ridgeview Manor
Hopkins, South Carolina
Project Cost: \$10,000

Affecting York County

Initiation of mobile Positron Emission Tomography (PET) services three days per week.
Piedmont Healthcare System
Rock Hill, South Carolina
Project Cost \$1,015,000

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning April 26, 2002. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Aiken County

Replacement of one mobile Computerized Tomography (CT) unit and one mobile Magnetic Resonance Imaging (MRI) unit with fixed units for a total of two fixed CT scanners and one fixed MRI unit.
Aiken Regional Medical Centers, Inc.
Aiken, South Carolina
Project Cost: \$3,119,107

Affecting Berkeley County

Establish a clinic and purchase an Electron Beam Tomography (EBT) Scanner.
The Charleston Clinic, LLC
Daniel Island, South Carolina
Project Cost: \$2,791,478

Affecting Berkeley, Charleston, Colleton, Dorchester, and Hampton Counties

Establishment of a separately licensed office of the existing licensed agency to serve Berkeley, Charleston, Colleton, Dorchester, and Hampton Counties in order to meet Centers for Medicare and Medicaid Services (CMS) regulations.
Winyah Home Health of the Lowcountry d/b/a Interim of Coastal Carolina
North Charleston, South Carolina
Project Cost: \$2,370

Affecting Charleston County

Replacement and relocation of a linear accelerator to Mt. Pleasant.
Hollings Cancer Center Medical University of South Carolina Radiotherapy Center
Charleston, South Carolina
Project Cost: \$4,287,503

Affecting Richland County

Addition of four (4) Level III Neonatal Intensive Care Unit (NICU) bassinets for a total of eight (8) Level III bassinets.
Palmetto Baptist Medical Center
Columbia, South Carolina
Project Cost: \$64,724

Affecting York County

Renovation for the addition of twelve (12) acute care beds and eight (8) ICU/CCU beds (20 total acute care) for a total of 268 acute care and 20 psychiatric beds at the hospital
Piedmont Healthcare System
Rock Hill, S. C.
Project Cost: \$5,200,004

PUBLIC NOTICE

The Bureau of Health Facilities and Services Development, S. C. Department of Health and Environmental Control, will conduct a Public Hearing regarding a Certificate of Need application submitted by Tuomey Regional Medical Center in Sumter, South Carolina, for the conversion of nineteen (19) existing psychiatric beds to nineteen (19) acute care beds, resulting in a total of 248 acute care beds, and eighteen (18) sub-acute beds at the facility. The Public Hearing will be held in the Nettles Building Auditorium at the University of South Carolina-Sumter, 200 Miller Road, Sumter S.C., on Monday, April 29, 2002, at 6:00 P.M. The public is cordially invited to attend, and an opportunity shall be provided for any person to present information. No decision will be made at the hearing, but the department shall make a decision within 60 days from the date of

8 NOTICES

the Public Hearing. Comments on the proposal are hereby solicited and may be presented at the Public Hearing or in writing until April 29, 2002, to Mr. Joel C. Grice, Director, Bureau of Health Facilities and Services Development, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. Fax number is (803)-545-4579.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

In re: STOLLER SITE LITIGATION)	Master File No.:	2-97-CV-726-12
)	Consolidated Case Nos.:	2:98-0345-12
)		2:98-1571-12
)		2:98-3635-12
)		2:99-1610-12
)		2:99-2292-12
)		
)		
)		

NOTICE OF SETTLEMENT AND PROPOSED JUDGMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("DHEC" or the "State") has entered into a Settlement Agreement dated March 15, 2002 ("2002 Settlement Agreement") with the following parties (collectively referred to as "Settling Defendants"): Nucor Corporation; Nucor-Yamato Steel Company; AmeriSteel Corporation; Roanoke Electric Steel Corporation; SMI-Owens Steel Company, d/b/a SMI Steel-South Carolina; I. Schumann & Company; Waterbury Rolling Mills, Inc; The Federal Metals Company; National Metals, Inc.; Mueller Brass Company, Inc.; The Stackpole Corporation; Atlantic Steel Industries, Inc.; Georgetown Steel Corporation; and Meherrin Agricultural & Chemical Company (collectively referred to as "SJWG") and, Kerr-McGee Chemical Corporation; Lucent Technologies, Inc. (as successor-in-interest to and on behalf of AT&T Corporation, AT&T Nassau Metals Corporation, and Nassau Recycling Corporation, each of which shall be deemed a corporate predecessor of Lucent for purposes of this 2002 Settlement Agreement); CP Chemicals, Inc.; Gaston Copper Recycling Corporation; Southwire Company; Philtech, Inc., formerly known as CP Chemicals, Inc.; Clariant Corporation; Koch Sulfur Products Company, LLC; Blackman-Uhler Chemical Company; Sterling Faucet, Inc. (formerly known as Sterling Faucet Plumbing Group) (collectively referred to as "RSG"). The 2002 Settlement Agreement provides that upon approval by the Court, it shall be entered as a final judgment against the Settling Defendants. The 2002 Settlement Agreement is subject to a thirty-day public comment period, consistent with Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA").

The 2002 Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances at (1) a former fertilizer manufacturing facility located at 7747 Highway 17 South, near the community of Ravenel, South Carolina; (2) the three disposal areas located nearby along TNT Road ("Satellite Areas"); (3) the transportation corridor between the property located at 7747 Highway 17 South and the Satellite Areas; and (4) the Caw Caw Swamp (collectively referred to as the "Site"). The The 2002 Settlement Agreement provides for cleanup of the Site and recovery of costs from potentially responsible parties; specifically, the funding of "Planned Future Response Activities" at the Site and contingency funding for reasonable "Additional Costs for

Planned Future Response Activities" and "Additional Work." In consideration of the foregoing, the 2002 Settlement Agreement provides for a release of the Settling Defendants from further liability related to the matters covered by the 2002 Settlement Agreement, subject to conditions and reopeners, and confers contribution protection upon Settling Defendants pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

The 2002 Settlement Agreement has been lodged with the Court this date. This Notice of Settlement and Proposed Judgment is being mailed to all identified potentially responsible parties and other interested parties and/or entities, and shall be published in the State Register.

Copies of the 2002 Settlement Agreement and other papers related to this matter can be viewed and/or obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked within thirty days of the date of this Notice of Settlement and Proposed Judgment, addressed to:

Jacquelyn S. Dickman, Deputy General Counsel
Office of General Counsel
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON APPROVAL AND ENTRY OF THE 2002 SETTLEMENT AGREEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTLING DEFENDANTS SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE 2002 SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

April 1, 2002.

10 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control proposes to revise Regulation 61-9, *Water Pollution Control Permits*. Interested persons may submit their comments in writing to Mr. Andrew Yasinsac, Jr., Senior Technical Advisor, Industrial, Agricultural, and Stormwater Permitting Division, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than May 26, 2002, the close of the drafting comment period.

Synopsis:

The Department intends to make changes to the regulation to modify existing sections and requirements that will clarify and improve the regulation. The Department proposes to amend the regulation and is considering several revisions or requirements that will address, but will not necessarily be limited to, the following:

1. Change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control. This will be done to supplement other changes which result from the promulgation of Federal round II regulations (Federal Register [FR] December 8, 1999). For the other changes, referred to as Federal, these amendments were published in the State Register and became effective July 27, 2001;

2. Methods and procedures for making permit calculations and related activities in regard to chemical specific and whole effluent toxicity permit limitations and other biological monitoring requirements in permits;

3. Requirements to enhance the viability of wastewater facilities;

4. Requirements for standard NPDES permit language and/or conditions;

5. Requirements related to operation and maintenance of wastewater facilities (such as attendance of operators and staffing issues at wastewater treatment facilities and operating permits for collection systems);

6. Clarification of the application of fecal coliform limits for land application and/or surface waters;

7. Requirements or discussion of monitoring frequencies;

8. Miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, authorization of a permit reopener;

9. Requirements to reflect any other state regulation requirements published since the June 28, 1996, State Register amendment of R.61-9 that may require appropriate changes, modifications, additions, or deletions to this regulation;

10. Miscellaneous changes and corrections such as renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements.

Proposed revisions will require legislative review.

DEPARTMENT OF REVENUE
Chapter 129
Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering repealing Chapter 129 of the Code of Regulations, which consists of only SC Regulation 129-1, concerning the Tax Board of Review. This chapter is no longer needed since the Tax Board of Review no longer exists due to changes in the law.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on May 30, 2002.

Synopsis:

The South Carolina Department of Revenue is considering repealing Chapter 129 of the Code of Regulations, which consists of only SC Regulation 129-1, concerning the Tax Board of Review. This chapter is no longer needed since the Tax Board of Review no longer exists due to changes in the law.

12 PROPOSED REGULATIONS

Document No. 2736

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Preamble:

Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP), to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations.

Among the revisions being proposed are amendments to Regulation 61-62.1, *Definitions and General Requirements*, Section V - Credible Evidence. The Department proposes to revise this regulation to update the reference to the “Environmental Audit Privilege and Voluntary Disclosure Act” of the South Carolina Code of Laws. The Department also proposes to amend 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 amendments to 40 CFR Part 60 and 40 CFR Part 63 promulgated by the United States Environmental Protection Agency (EPA) during the calendar year of January 1, 2001 through December 31, 2001. In addition, the Department proposes to amend Regulation 61-62.63, Subpart B to incorporate the requirements of 40 CFR Part 63, subpart B, Section 63.50 through Section 63.56. These sections of the Code of Federal Regulations implement the requirements of section 112(j) of the Clean Air Act (CAA), which requires the State to do case-by-case Maximum Achievable Control Technology (MACT) determinations for each source in each source category for which the EPA fails to promulgate a MACT standard by May 15, 2002. Section 112(j) of the CAA is commonly referred to as the “MACT hammer.” The Department’s adoption of the Federal requirements and standards will establish the approval process for new and existing affected sources within a source category or subcategory, the application content for case-by-case MACT determinations, and the preconstruction review procedures that are equivalent to, but not more stringent than, the Federal regulations.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and will not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 23, 2001. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions

SECTION CITATION:

EXPLANATION OF CHANGE:

R. 61-62.1, Section V - Credible Evidence

Update the reference to the “Environmental Audit Privilege and Voluntary Disclosure Act”

R. 61-62.60

Tables in Subparts A, Da, Db, Dc, Ea, Eb, Ec, EE, MM, QQ, RR, SS, TT, WW, XX, III, NNN, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, and CCCC are amended

- R. 61-62.63, Subpart B Subpart B is amended to add new section 63.50 through section 63.56 (MACT hammer language contained in section 112j of the Clean Air Act)
- R. 61-62.63 Tables in Subparts F, G, H, O, S, U, W, AA, BB, CC, DD, HH, PP, RR, VV, YY, EEE, GGG, HHH, JJJ, MMM, OOO, VVV, and XXX are amended
- R. 61-62.63 Subparts MM, CCCC, GGGG, and VVVV are added in alpha-numeric order and incorporated by reference
- R. 61-62.70, Section 70.7(e)(6)(v) Correct typographical error, change “Title V” to “Title IV”

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on May 28, 2002, at 10:00 a.m. in room 2280 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the SIP.

Interested persons are also provided an opportunity to submit written comments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4284.

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

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the SIP, at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on June 13, 2002. The public hearing is to be held in room 3420 (Board Room) of the Commissioner’s Suite, third floor, Aycock Building of the 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 ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments to Dennis Camit at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Regulatory Development Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4284. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on June 13, 2002, as noticed above. Comments received shall be submitted to the Board in a Summary of Public comments and Department Responses.

14 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

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

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

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

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

The Department proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan, to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations.

Among the revisions being proposed are amendments to Regulation 61-62.1, *Definitions and General Requirements*, Section V - Credible Evidence. The Department proposes to revise this regulation to update the reference to the "Environmental Audit Privilege and Voluntary Disclosure Act" of the South Carolina Code of Laws. The Department also proposes to amend 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 amendments to 40 CFR Part 60 and 40 CFR Part 63 promulgated by the United States Environmental Protection Agency (EPA) during the calendar year of January 1, 2001 through December 31, 2001. In addition, the Department proposes to amend Regulation 61-62.63, Subpart B to incorporate the requirements of 40 CFR Part 63, subpart B, Section 63.50 through Section 63.56. These sections of the Code of Federal Regulations implement the requirements of section 112(j) of the Clean Air Act (CAA), which requires the State to do case-by-case Maximum Achievable Control Technology (MACT) determinations for each source in each source category for which the EPA fails to promulgate a MACT standard by May 15, 2002. Section 112(j) of the CAA is commonly referred to as the "MACT hammer." The Department's adoption of the Federal requirements and standards will establish the approval process for new and existing affected sources within a source category or subcategory, the application content for case-by-case MACT determinations, and the preconstruction review procedures that are equivalent to, but not more stringent than, the Federal regulations.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions nor will the amendments result in any increased cost to the regulated community. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health by adopting the recent changes in Federal law.

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

The State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2735
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Chapter 61
Statutory Authority: 1976 Code Ann. Section 44-56-30

R.61-79 Hazardous Waste Management Regulations

Preamble:

The Department proposes to amend R.61-79 to reflect federal amendments through June 30, 2001. The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year by publication in the Federal Register. Recent federal amendments include the following: clarification of final standards for hazardous air pollutants for hazardous waste combustors, listing of two chlorinated aliphatics production wastewater treatment sludges (K174 and K175) including a contingent-management listing approach; increased flexibility to certain facilities that store and treat mixed low-level radioactive and hazardous wastes; the temporary deferral of PCB treatment standards for metal contaminated soils; and revisions to the mixture and derived-from rules. In addition other minor errors have been corrected to achieve conformity with federal regulations. These rules and other amendments were published in the Federal Register between July 1, 2000, and June 30, 2001. Pursuant to the Hazardous Waste Management Act Section 44-56-30, the Department intends to amend R. 61-79 by adopting these federal amendments. These amendments appeared at 65 FR 42292 and 66 FR 24270 published July 10, 2000 and May 14, 2001; 65 FR 67068 published November 8, 2000; 65 FR 81373 published December 26, 2000; 66 FR 27218 published May 16, 2001; 66 FR 27266 published May 16, 2001; and 66 FR 37374 published June 28, 2001. A Notice of Drafting for this federal compliance package was published in the State Register on October 26, 2001.

16 PROPOSED REGULATIONS

Discussion of Proposed Revisions:

SECTION	CHANGE (all for federal compliance)
260.11(a)(11)	Amend EPA mailing address
261.3(a)(2)	Amend (iii) and (iv), [mixture/derived-from rule]
261.3(c)(2)	Amend (i), add new (g) (1) - (3) and (h), [mixture/derived-from rule]
261.32 Table	Add K174 and K175 in alphanumeric order [LDR]
261.38(c)(2)	Add new (iv) [NESHAPS]
261 Appendix VII	Add K174 and K175 in alphanumeric order [LDR]
261 Appendix VIII	Add two chlorinated aliphatics listings [LDR]
264.90(f)	Remove reference to alternative to permit
264.340(b)(1)	Amend to add reference to (b)(3)
264.340(b)(3)	Add new (b)(3)
266 Subpart N	Add new Subpart N [low-level mixed wastes]
268.32	Add new subpart [LDR]
268.33	Add new subpart [LDR]
268.40	Amend P039 by adding five constituents, add K174 & K175; add footnote [LDR]
268.48(a)	Amend PCB listing with footnote; add five new organic constituent listings [LDR]
268.49(d)	Amend [LDR]
268 Appendix III	Add new appendix [LDR]
270.42(j)	Amend (1) [NESHAPS]

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control (DHEC) invites interested members of the public to attend a staff-conducted informational forum to be held at 9:30 a.m. on Wednesday May 29, 2002, in Peoples Auditorium at 2600 Bull Street, Columbia SC. The purpose of the forum is to receive comments from interested persons on the proposed regulation.

Interested persons are also provided an opportunity to submit written comments to John Litton at DHEC Bureau of Waste Management, 2600 Bull Street, Columbia SC 29201. To be considered, comments must be received no later than noon on Wednesday May 29, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments.

Copies of the proposed regulation may be obtained by contacting Suzanne Rhodes at DHEC Bureau of Land and Waste Management, 2600 Bull Street, Columbia SC 29201 or by calling (803) 896-4174. This amendment is also available on the Department's internet website www.scdhec.com/co/regs/.

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

Interested members of the public and regulated community are invited to comment on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on June 13, 2002. The public hearing is to be held in Room 3420 Board Room of the Commissioner's Suite, third floor, Aycock Building of the 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 ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments to John Litton at DHEC Bureau of Waste Management, 2600 Bull Street, Columbia SC 29201. To be considered, comments must be received

no later than noon on Wednesday May 29, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with S. C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendment of R.61-79 Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to meet compliance requirements of the United States Environmental Protection Agency (EPA), which promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year by publication in the Federal Register. Recent federal amendments which the Department is proposing to amend include the following: clarification of final standards for hazardous air pollutants for hazardous waste combustors, listing of two chlorinated aliphatics production wastewater treatment sludges (K174 and K175) including a contingent-management listing approach; increased flexibility to certain facilities that store and treat low-level mixed radioactive and hazardous wastes; the temporary deferral of PCB treatment standards for metal contaminated soils; revisions to the mixture and derived-from rules, and other minor amendments. In addition, minor typographical and other minor errors have been corrected to achieve conformity with federal regulations. These rules and other amendments were published in the Federal Register between July 1, 2000, and June 30, 2001.

These amendments appeared at 65 FR 42292 and 66 FR 24270 published July 10, 2000 and May 14, 2001; 65 FR 67068 published November 8, 2000; 65 FR 81373 published December 26, 2000; 66 FR 27218 published May 16, 2001; 66 FR 27266 published May 16, 2001; and 66 FR 37374 published June 28, 2001.

Legal Authority: S. C. Code Ann. Section 44-56-30, the Hazardous Waste Management Act, to facilitate the Resource Conservation and Recovery Act of 1976 as amended.

Plan for Implementation: Upon final approval by the Board of Health and Environmental Control and publication in the State Register as a final regulation, amended regulations will be provided to the community at cost through the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Adoption of the proposed amendments and corrections to R.61-79 will enable compliance with recent federal amendments. See Purpose above.

DETERMINATION OF COSTS AND BENEFITS: This regulatory amendment is exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because the proposed changes are necessary to maintain compliance with federal regulations. EPA estimated costs and benefits of the various amendments are summarized below. The summaries are taken from the cited Federal Register notices. A significant regulatory action is defined as one that (5/26/98 in 63 FR 28630) "is likely to result in a rule that may: (1) have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements...; or (4) raise novel legal or policy issues arising out of legal mandates..."

EPA reports that the new listings of two chlorinated aliphatics wastes do not meet the test for "a significant regulatory action." The LLMW rule, the temporary deferral of PCB treatment standards for metal contaminated soils, and the amendments to the mixture and derived-from rule offer alternative strategies for complying with existing rules and therefore offer opportunities for cost savings.

18 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES: No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The over-all effects of these rules are expected to be beneficial to the public health and environment and also reflect federal provisions in State law.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The State's authority to implement federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2734
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Chapter 61
Statutory Authority: 44-56-30, 48-1-10 et seq., 1-23-10 et seq.

R.61-79 Hazardous Waste Management Regulations

Preamble:

The Department is proposing to amend R.61-79 to remove State provisions which are not required for federal compliance and which provide financial assurance for restoration of environmental impairment. This amendment removes regulatory requirements that were vacated by a decision of the South Carolina Court of Appeals on April 4, 2000, which determined that the environmental impairment regulations which are the subject of this Notice of Proposed Regulation had not been properly promulgated. This amendment will remove the environmental impairment regulations which were published as proposed in the State Register on June 24, 1994, and published as final regulations in the State Register on June 23, 1995 as Document No. 1823. Affected sections are R.61-79.264.152, .153, and .154 and 265.152 and .153 and cross references at 264.140 and 265.140. Legislative review of this proposed amendment will be required.

An initial Notice of Drafting was published October 27, 2000, that proposed removal of the cleanup and/or restoration of environment impairment financial assurance regulations. Subsequently the Notice of Proposed Regulations was published in the State Register on July 27, 2001, as Document 2639, which contained an error and the amendment process proposed in Document 2639 was terminated. A current publication of a second Notice of Drafting was published in the State Register on October 26, 2001. No comments were received. Notice of the Department's intent to promulgate this amendment was also published on the Department's internet website www.scdhec.com/co/regs/.

Discussion of Proposed Revisions:

Section Citation	Explanation of Change: To comply with South Carolina Court of Appeals which vacated order on April 4, 2000
264.140(c)	Remove text and reserve (c)
264.152	Remove entire section, (a) through (d); reserve 264.152
264.153	Remove entire section, (a) through (i); reserve 264.153

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- 264.154 Remove entire section, (a) through (g) including appendices; reserve 264.154
- 265.140(c) Remove text and reserve 265.140(c)
- 265.152 Remove entire section, (a) through (d); reserve 265.152
- 265.153 Remove entire section, (a) through (h); reserve 265.153

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control (DHEC) invites interested members of the public to attend a staff-conducted informational forum to be held at 9:30 a.m. on Wednesday May 29, 2002, in Peebles Auditorium at 2600 Bull Street, Columbia SC. The purpose of the forum is to receive comments from interested persons on the proposed regulation.

Interested persons are also provided an opportunity to submit written comments to John Litton at DHEC Bureau of Waste Management, 2600 Bull Street, Columbia SC 29201. To be considered, comments must be received no later than noon on Wednesday May 29, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments.

Copies of the proposed regulation may be obtained by contacting Suzanne Rhodes at DHEC Bureau of Land and Waste Management, 2600 Bull Street, Columbia SC 29201 or by calling (803) 896-4174.

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

Interested members of the public and regulated community are invited to comment on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on June 13, 2002. The public hearing is to be held in Room 3420 Board Room of the Commissioner's Suite, third floor, Aycock Building of the 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 ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments to John Litton at DHEC Bureau of Waste Management, 2600 Bull Street, Columbia SC 29201. To be considered, comments must be received no later than noon on Wednesday May 29, 2002. Comments received shall be submitted to the Board in a Summary of Public Comments.

After the public hearing, review by the General Assembly is required.

Preliminary Fiscal Impact Statement:

Due to the fact that environmental impairment financial assurance will continue to be a statutory requirement [44-56-60(c)(3)], there should be no significant impact upon State or local governments.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with S. C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11). This amendment will require legislative review.

20 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION: Amendment of Regulation 61-79, South Carolina Hazardous Waste Management.

Purpose: This amendment deletes State more-stringent regulations vacated by the South Carolina Court of Appeals on April 4, 2000.

Authority: The proposed amendment will continue to be in accord with the federal authorization requirements of the U.S. Environmental Protection Agency Resource Conservation and Recovery Act of 1976 as amended, Title II, Subtitle C Section 3009; South Carolina Hazardous Waste Management Act 44-56-30 et seq.; the Pollution Control Act 48-1-10 et seq.; and the Administrative Procedures Act 1-23-10 et seq.

Plan for implementation: The proposed amendments, after public comment and Department response, would be incorporated within R.61-79 upon approval of the Board, General Assembly, and publication in the State Register. Amended regulations are provided to the community at cost through the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS, and EXPECTED BENEFIT OF THE PROPOSED REGULATION: This amendment removes regulatory requirements that were vacated by a decision of the South Carolina Court of Appeals on April 4, 2000.

DETERMINATION OF COSTS AND BENEFITS: Due to the fact that environmental impairment financial assurance continues to be a statutory requirement [44-56-60(c)(3)], there should be no significant change in cost to commercial hazardous waste facilities.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Because this requirement is also a statutory requirement [44-56-60(c)(3)] removal from regulation should not create a significant effect on the environment and public health.

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

Text:

Each of the following sections is amended as explained in the Discussion of Proposed Revisions, above, and shown below; all other sections of R.61-79 will remain.

264.140 (c) [Reserved]

264.152 [Reserved]

264.153 [Reserved]

264.154 [Reserved]

265.140 (c) [Reserved]

265.152 [Reserved]

265.153 [Reserved]

Document No. 2738

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF ACCOUNTANCY**

Chapter 2

Statutory Authority: 1976 Code Sections 40-15-140 and 40-2-200.

Preamble:

The South Carolina Board of Accountancy is proposing promulgation of a regulation pursuant to S.C. Code Section 1-23-130 to maintain access to the Uniform CPA Examination administered by the American Institute of Certified Public Accountants.

The General Assembly authorized the removal of the cap on fees for examination by 2001 Rat. 139 (signed by the Governor on August 30, 2001).

Section by Section Discussion: The new regulation will replace current Regulation 1-05(D)(2) dealing with Certified Public Accountants' examination application and fees. The new regulation will allow the cost of the national examination to be paid by the applicant, making it possible for candidates in South Carolina to take the national examination.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on Wednesday, June 12, 2002. Written comments may be directed to Doris Cubitt, Administrator, Board of Accountancy, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. on May 29, 2002.

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:

Purpose: The purpose of this regulation is to ensure that the provisions of recently enacted statutory changes removing the maximum cost for examination is carried out by promulgation of regulations.

Legal Authority: 1976 Code Title 40, Chapter 2, Section 140; Title 40, Chapter 2, Section 200.

Plan for Implementation: Administratively, the Board will notify all applicants and licensees through written and oral communication and by the promulgation of a permanent regulation in accordance with the S.C. Administrative Procedures Act.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: This regulation need revision in order to comply with the new statutory requirements and procedures.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred by the State or any political subdivision.

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

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

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment or public health.

Text:

1-05 Certified Public Accountant Examinations

D. Examination Applications and Fees.

(2) Examination fees, as set by the AICPA, must accompany the application. If a check in payment of examination fees fails to clear the bank, the application shall be deemed incomplete and the application shall be returned to the candidate.

Document No. 2739

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-40 and 40-9-30

Preamble:

The Board of Chiropractic Examiners is proposing to amend Regulation 25-5 to require that two (2) of the 24 hours of mandatory biennial professional continuing education shall relate to the rules and regulations of the S.C. Board of Chiropractic Examiners and two hours shall relate to boundary or public health issues. The amendment will also permit licensees living out of state to obtain credit for continuing education hours that are approved in the state in which they reside.

Section by Section Discussion:

Section 25-5(D) Continuing Education.

This amendment will require that two hours of the mandatory continuing education hours shall be in rules and regulations of the Board, and that two hours shall be in boundary or public health issues. This amendment will also allow licensees living out of state to obtain credit for continuing education approved by the state they live in.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 3 p.m. on Tuesday, June 11, 2002. Written comments may be directed to Mrs. Alana T. Holmes, Administrator, Board of Chiropractic Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329 no later than 5:00 p.m., on May 28, 2002.

Preliminary Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The purpose of this amendment is to require that every licensed chiropractic practitioner regularly receive instruction through their professional continuing education courses that relates to understanding the current rules and regulations governing their profession and current issues pertaining to professional boundaries in treating patients and public health issues. The amendment will also allow licensees living in other states to obtain credit for continuing education that is approved in the state in which they reside, which will remove an unnecessary impediment to the licensing of qualified practitioners without significantly impacting the qualifications of chiropractors who practice in South Carolina.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 1, Section 40; Title 40, Chapter 9, Section 30.

Plan for Implementation: Administratively, the Department will see that these practices are implemented by informing the applicants and licensees through written communications and newsletters.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This regulation is necessary to improve compliance and the delivery of health care services by ensuring that every licensed chiropractic practitioner regularly receives instruction through their professional continuing education courses that relates to understanding the current rules and regulations governing their profession and current issues pertaining to professional boundaries in treating patients and public health issues. The amendment to allow licensees living in other states to obtain credit for continuing education that is approved in the state in which they reside is necessary in order to remove an unnecessary impediment to the licensing of qualified practitioners without significantly impacting the qualifications of chiropractors who practice in South Carolina.

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

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment. The public health of this State will be improved by compliance with regulatory provisions and by ensuring that every licensed chiropractic practitioner regularly receives instruction through their professional continuing education courses that relates to understanding the current rules and regulations governing their profession and current issues pertaining to professional boundaries in treating patients and public health issues, thereby improving the delivery of health care services.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment of this State.

Text:

25-5. Professional Practices

D. Continuing Education. As a pre-requisite for biennial renewal of a practitioner's license, the licensee must complete a minimum of twenty-four (24) hours biennially of accepted professional continuing education. Of the twenty-four (24) hours, two hours are required in rules and regulations of the S.C. Board of Chiropractic Examiners and two hours in boundary or public health issues. The continuing education requirement is waived for licensed practitioners only for the fiscal year in which they are first licensed. Licensees living out of state may obtain credit for continuing education approved in the state in which they reside.

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Document No. 2740

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATOR AND AMUSEMENT RIDE SAFETY
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-16-140

Preamble:

The Office of Elevator and Amusement Ride Safety proposes to revise existing regulations concerning fees.

Section by Section Discussion:

Section 71-5600. Fee Schedules.

The Department proposes to increase inspection fees for all classes of construction permits and initial operating certificates. The Department proposes to increase inspection fees for temporary permits. The Department proposes to increase the fee for processing reports from licensed special inspectors and issuing annual operating certificates. The Department proposes a new fee for reinspection due to failure to make timely corrections of all deficiencies notes in an annual inspection report.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 10:00 a.m. on Tuesday, June 18, 2002. Written comments may be directed to Jerry Butler, Administrator, Elevator and Amusement Ride Safety and Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329 no later than 5:00 p.m. on Tuesday, May 28, 2002.

Preliminary Fiscal Impact Statement: This regulation will have a limited impact upon the construction cost of buildings equipped with elevators and built for state and local governments. The cost of construction will increase by \$50 per elevator.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To comply with SC Code Section 41-16-140.

Legal Authority: Statutory Authority: 1976 Code Section 41-16-140.

Plan for Implementation: The Department will notify all building officials and elevator installation companies of the increased fees using a mail-out.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: The Department is directed to charge inspection fees which are based upon the costs of administering the provisions of the South Carolina Elevator Safety Code. New elevators are increasingly complex; plan reviews and inspections take longer and require more expertise. Employee training costs have risen with the need to inspect more sophisticated elevators. Travel costs have increased. Based upon these increased costs, the agency proposes increased fees for construction permits and initial operating certificates.

The Department has not proposed increased fees for most annual inspections. Most facility owners maintain their equipment such that the cost of these inspections can be controlled. The Department does propose an

additional fee for those who do not maintain their equipment or respond to the first notice of deficiencies. Complying owners should not bear the burden of paying for these additional inspections.

The Department has proposed to increase the fee for processing the reports of annual inspections by licensed special inspectors and the issuing of renewal certificates. The increased fee reflects the costs of assuring uniformity and completeness of inspections as well as timely issuing of annual operating certificates.

DETERMINATION OF COSTS AND BENEFITS: Costs: \$50 per elevator for new construction. \$10 per elevator for processing annual renewals for facilities inspected by licensed special inspectors. Benefits: Timely and complete elevator inspections without cost to general public.

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

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2737
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

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

Preamble:

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

(B) Game Zone 2 – allows the use of dogs for hunting hogs and coyotes outside the deer season consistent with Game Zone 1.

(D) Game Zone 4 – allows the use of dogs for hunting hogs and coyotes outside the deer season consistent with Game Zones 1 and 2.

(G) Francis Marion National Forest

Hellhole WMA – allows either-sex deer harvest for still gun hunts; deletes Jan. special hog hunt.

Waterhorn WMA – adds 2 weeks still gun hunts; deletes Jan. and July special hog hunts.

Wambaw WMA – adds 1 Sat. to dog hunt season; adds new archery area “Seewee Special Use Area”.

Northampton WMA – adds 1 Sat. to dog hunt season.

Santee WMA – adds 1 Sat. to dog hunt season.

(H) Moultrie

Bluefield WMA – clarifies youth hunt requirements.

North Dike WMA – adds raccoon hunting season on Sandy Beach Waterfowl Area.

(I) Santee Cooper WMA – allows raccoon hunting each Sat. between the close of the waterfowl season and March 1.

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(U) Manchester State Forest WMA – adjusts calendar dates to fit current and future hunt schedules, in most years will add 1 week of hunting at the beginning of the season and 1 day additional at the close of the season. Clarifies hog hunting restrictions and adds a 2 week special hog hunt season. Expands the forest-wide quail seasons to 6 days/week rather than 2 days/week.

(W) Marsh Furniture WMA – clarifies deer season and adds 1 week; adds a 4 week raccoon season.

(BB) Great Pee Dee River WMA – clarifies hog hunting seasons, adds a 1-week special hog hunt with dogs and removes the limit on hogs; adds a raccoon hunting season.

(KK) Bucksport WMA – extends archery and muzzleloader deer season for 1 week.

(NN) Dungannon WMA – delays opening of deer season from Oct. 1 to Oct. 15 to reduce conflicts with non-hunting use of the property.

(OO) Santee Dam WMA – adds hog hunts.

(QQ) Oak Lea WMA – increases daily limit from 2 to 3 deer/day and hunt group limits from 10 to 20 per party.

(SS) Edisto River WMA – new WMA in Dorchester County.

4.2 – establishes Game Zone either-sex deer days according to current calendar schedules.

7.1 - adds “hogs” to international orange requirement.

10.15 - adds Fant’s Grove Waterfowl Area to Category I Waterfowl Areas.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on June 21, 2002, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

1. DESCRIPTION OF THE REGULATION:

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

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

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

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

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

3. DETERMINATION OF COSTS AND BENEFITS:

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

9. UNCERTAINTIES OF ESTIMATES:

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

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

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Document No. 2669
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

12-500 through 12-518.3 General Retention Schedules for County Records

Synopsis:

The General Assembly approved Regulation 12-500 through 12-512.2 (General Retention Schedules for County Records) on June 26, 1992. The amendments will simplify the disposition process for county offices and departments; update office/department names and series descriptions; add new series under existing offices/departments; and add new series under new offices/departments.

12-500 Introduction and general matters; application of schedule.

New text indicates the general schedules cover information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process county offices will use to destroy records through use of the general schedules is being simplified. Offices will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow county offices to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process county offices currently use when implementing schedules approved specifically for their office or department. This change will allow offices to use one form to report destruction through use of both general and specific schedules.

Subarticle 1. Subarticle title is being changed to Register of Deeds to reflect the more modern office title.

12-501.1. Grantor and Grantee Index to Conveyances

Punctuation error is being corrected in A. Description to add a comma between month and day.

12-501.10. Uniform Commercial Code Financing Statements

Retention statement in B1 is being corrected. Financing statements where transmitting utility is the debtor do not lapse but remain in effect until a termination statement is filed. The retention in B1 is being changed to eliminate "after statement has lapsed or" in the second sentence of the retention and to eliminate "statement has lapsed or" in the third sentence of the retention.

Eight new records series are being added (12-501.11. through 12-501.18.) to make it easier for counties to manage these records.

Subarticle 2. Subarticle title is being changed to Sheriff/Detention to be more inclusive. Twenty-three new records series are being added (12-502.8. through 12-502.30.) to make it easier for counties to manage these records.

Subarticle 3. Subarticle title is being changed to County Council/Administration to be more inclusive. Three new records series are being added (12-503.13. through 12-503.15.) to make it easier for counties to manage these records.

Subarticle 4. Finance. Eight new records series are being added (12-504.14. through 12-504.21.) to make it easier for counties to manage these records.

Subarticle 5. Purchasing. One new record series is being added (12-505.6.) to make it easier for counties to manage these records.

Subarticle 6. Personnel. Seven new records series are being added (12-506.6. through 12-506.12.) to make it easier for counties to manage these records.

Subarticle 7. Auditor. Seventeen new records series are being added (12-507.14. through 12-507.30.) to make it easier for counties to manage these records.

Subarticle 8. Treasurer. Thirteen new records series are being added (12-508.17. through 12-508.29.) to make it easier for counties to manage these records.

Subarticle 9. Tax Collector. Four new records series are being added (12-509.3. through 12-509.6.) to make it easier for counties to manage these records.

Subarticle 10. Tax Assessor. Eight new records series are being added (12-510.6. through 12-510.13.) to make it easier for counties to manage these records.

Subarticle 11. Subarticle title is being changed to Building/Planning and Development to be more inclusive. Eight new records series are being added (12-511.3. through 12-511.10.) to make it easier for counties to manage these records.

Subarticle 13. Maintenance Garage/Fleet Maintenance. New subarticle and four new records series are being added (12-513.1. through 12-513.4.) to make it easier for counties to manage these records.

Subarticle 14. Library. New subarticle and three new records series are being added (12-514.1. through 12-514.3.) to make it easier for counties to manage these records.

Subarticle 15. Emergency Services. New subarticle and five new records series are being added (12-515.1. through 12-515.5.) to make it easier for counties to manage these records.

Subarticle 16. Animal Control. New subarticle and five new records series are being added (12-516.1. through 12-516.5.) to make it easier for counties to manage these records.

Subarticle 17. Voter Registration and Elections. New subarticle and twelve new records series are being added (12-517.1. through 12-517.12.) to make it easier for counties to manage these records.

Subarticle 18. Coroner. New subarticle and three new records series are being added (12-518.1. through 12-518.3.) to make it easier for counties to manage these records.

Instructions:

Delete existing 12-500 and add new 12-500.

Delete existing subarticle 1 title and add new subarticle title.

Delete existing 12-501.1 and add new 12-501.1.

Delete existing 12-501.10 and add new 12-501.10.

Add 12-501.11 through 12-501.18 to end of subarticle 1.

Delete existing subarticle 2 title and add new subarticle title.

Add 12-502.8 through 12-502.30 to end of subarticle 2.

Delete existing subarticle 3 title and add new subarticle title.

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Add 12-503.13 through 12-503.15 to end of subarticle 3.

Add 12-504.14 through 12-504.21 to end of subarticle 4.

Add 12-505.6 to end of subarticle 5.

Add 12-506.6 through 12-506.12 to end of subarticle 6.

Add 12-507.14. through 12-507.30 to end of subarticle 7.

Add 12-508.17 through 12-508.29 to end of subarticle 8.

Add 12-509.3 through 12-509.6 to end of subarticle 9.

Add 12-510.6 through 12-510.13 to end of subarticle 10.

Delete existing subarticle 11 title and add new subarticle title.

Add 12-511.3. through 12-511.10 to end of subarticle 11.

Add new subarticles 13 through 18.

Text:

12-500. Introduction and general matters; application of schedule.

The following general schedules contain minimum records retention periods for the official copy of the records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, county governments must complete and submit a report of records destroyed form to the Department of Archives and History after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. Before disposing of public records under these general schedules, county governments should insure that the records have no further audit, legal, or fiscal value. These general schedules supersede all schedules approved previously for the same records series. However, county governments may opt out of these general schedules and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary, or in order to avoid conflict with other laws or regulations.

Subarticle 1. Register of Deeds

12-501.1. Grantor and Grantee Index to Conveyances

A. Description: A finding aid to instruments in the conveyance book series. Information includes name of grantee and grantor, book and page number where document is recorded, day and year of execution, month, day and year of recordation, number of acres or lots and a description of the land.

B. Retention: Permanent. Microfilm for security.

12-501.10. Uniform Commercial Code Financing Statements

A. Description: Original papers recording liens on personal property under the Uniform Commercial Code adopted for South Carolina as of January 1968. These replace chattel mortgages. Information includes file number, debtor's name and address, secured party, filing date, time, number, and officer, types of property covered, signature of party and signature of clerk.

B. Retention:

(1) Financing statements where transmitting utility is the debtor: 1 year after termination statement has been filed, then destroy. If a microfilm or other photographic record of the financing statement and any related statements (continuation, assignment, release) exist, originals may be destroyed immediately after receipt of termination statement. Microfilm or other photographic records may then be destroyed one year after termination statement has been filed.

(2) Other financing statements: 1 year after statement has lapsed or termination statement has been filed, then destroy. If a microfilm or other photographic record of the financing statement and any related statements (continuation, assignment, release) exist, originals may be destroyed immediately after statement has lapsed or after receipt of termination statement. Microfilm or other photographic records may then be destroyed one year after statement has lapsed or termination statement has been filed.

12-501.11. Charters

A. Description: Consists of information on charters which have been recorded in the office of the Secretary of State. Information includes name of organization, incorporators, date, place of activities, capital, stock, increases in capital stock and cancellations.

B. Retention: Permanent. Microfilm optional.

12-501.12. Chattel Mortgages and Indexes

A. Description: Defunct series containing original papers recording liens on personal property by chattel mortgages. Information includes debtor's name and address, secured party, filing date, time, number, officer, types of property covered, signature of party, signature of notary. These have been replaced by Uniform Commercial Code Financing Statements.

B. Retention:

(1) Records concerning chattel mortgages for rural electric cooperatives and Public Service Commission regulated utilities: Until termination statement is filed, then destroy.

(2) Other records: Destroy.

12-501.13. Index to Federal Tax Liens

A. Description: Finding aid to federal tax liens. Information includes name of taxpayer, address of taxpayer, date of filing, hour of filing, and amount of tax with interest.

B. Retention: Permanent. Microfilm optional.

12-501.14. Federal Tax Liens

A. Description: Standard forms filed in the office against personal property as a means of collecting delinquent federal taxes. Information includes period ending, type and amount of taxes owed, amount of penalty, amount of interest, total taxes, name/address of taxpayer, warrant number, date of notice and demand, date signed, and signature of tax official.

B. Retention: 10 years and 30 days after date of assessment or last extension, whichever is longer, then destroy.

12-501.15. Index to State Tax Liens

A. Description: Finding aid to state tax liens. Information includes name of taxpayer, address of taxpayer, date of filing, hour of filing, and amount of tax with interest.

B. Retention: 10 years, then destroy.

12-501.16. State Tax Liens

A. Description: Standard forms filed in the office against personal property as a means of collecting delinquent state taxes. Information includes period ended, type and amount of taxes owed, amount of penalty, interest, total tax, name/address of taxpayer, warrant number, date of notice and demand, date assigned, and signature of tax official.

B. Retention: 10 years, then destroy.

12-501.17. Index to Mechanics Liens

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A. Description: Serves as the principal finding aid for locating mechanics liens. Information includes name of plaintiff, name of defendant, and file number.

B. Retention: 10 years after final entry has been executed, discharged, released, or dissolved, then destroy.

12-501.18. Mechanics Liens

A. Description: Records transcripts of mechanics' and contractor's claims filed as statutory liens on property to secure payment of debt for materials or labor used thereon. Information includes name of defendant, name of plaintiff, description of lien, recording date and time, book numbers and page number.

B. Retention: 10 years after final judgement to execute the lien, discharge, release or dissolution has been entered upon the registry, then destroy.

Subarticle 2. Sheriff/Detention

12-502.8. Juvenile Booking Records

A. Description: Documents juveniles arrested and booked by county law enforcement. Information includes date, name, alias, address, nearest relative, relative's address, charge, arresting officer.

B. Retention: 3 years after subject reaches majority, then destroy.

12-502.9. Juvenile Case Files

A. Description: Documents juveniles taken into custody. Information includes evidence from SLED, fingerprint reports, exhibits, and statements.

B. Retention: 3 years after subject reaches majority, then destroy, unless there is legal reason to retain further.

12-502.10. Case Files

A. Description: Compilation of all relevant data necessary for the creation of a case against a defendant(s) on a particular crime. Information includes detailed investigative data on the offense and the defendant(s) compiled on several standard forms such as Incident Report and Booking Report.

B. Retention: 30 years, then destroy.

12-502.11. Evidence Case Files

A. Description: Property invoice and receipt showing evidence taken from crime scene and suspects. Information includes case number, crime type, victim name and address, suspect name and address, location, examination requested, lab case number, item number, quantity, description of property, chain of custody, and final release.

B. Retention:

(1) Death Penalty Cases: Until death of defendant or state Supreme Court rules on the case, whichever comes first, then destroy.

(2) Other cases: 1 year after the final action in the case, then destroy.

12-502.12. Booking Reports

A. Description: Record of all persons arrested and booked by the Sheriff's office. Information includes agency identification, case number, name, sex, date of birth, docket number, age, height, weight, hair, eyes, social security number, visible scars and marks, NCIC identification number, address, phone number, alias, drivers license number, occupation, next of kin and address, booking officer's name, current date, charge data, medical data, release date, time, and arresting officer.

B. Retention: 10 years, then destroy.

12-502.13. Arrest Cards

A. Description: Card system which serves as a record of arrests in the sheriff's department. Information includes race, height, sex, date of birth, social security number, age, date and place of birth along with case number, date arrested, charge, and disposition.

B. Retention: 5 years, then destroy.

12-502.14. Fingerprint Files

A. Description: Records fingerprints of persons arrested by the sheriff's department. These files are utilized for investigative and identification purposes. Information includes date, name and address of defendant, date of birth, social security number, race, sex, height, weight, eyes, hair, date arrested, charge/offense, signature of defendant, signature of officer, fingerprint impressions, information for FBI on reverse side.

B. Retention: Until notification of death of subject or 75 years, whichever comes first, then destroy.

12-502.15. Mug Shots

A. Description: Photographs of individuals who have been arrested and charged with various criminal offenses. These photographs are used by law enforcement personnel, victims, and witnesses to aid in identification of suspects. Information includes person's name, address, description, date, and photograph.

B. Retention: Until superseded or of no further value, then destroy.

12-502.16. Inmate Medical Forms

A. Description: Medical screening record created upon the incarceration of an inmate and compiled throughout the incarceration of the inmate. Information includes Receiving Screening Form, Display Medical Screening, nurse's and physician's notes, records from Emergency Room or other treatment facility, log of prescribed medication, distribution of medication, and log of taking the medication.

B. Retention:

(1) Adult Medical Records: 10 years after medical incident, then destroy.

(2) Juvenile Medical Records: 13 years after medical incident, then destroy.

12-502.17. Inmate Request Forms

A. Description: Record of inmate requests. Information includes date of request, inmate's name, cell location, date of birth, type of request.

B. Retention: 3 years, then destroy.

12-502.18. Inmate Visitor Log

A. Description: Record of each inmate's visitors. Information includes date, inmate's name, time in/out, visitor's name, relation to inmate.

B. Retention: 3 years, then destroy.

12-502.19. Inmate Accounting Records

A. Description: Listing of the inmates assigned to each cell. Information includes shift number, shift time, date, time of report, cell identification, max, act, booking number, name of inmate and comments.

B. Retention: 5 years, then destroy.

12-502.20. Arrest Warrants

A. Description: Sheriff's office copies of orders issued by judges or magistrates to arrest a subject for suspicion of a crime. Information includes name of county, name and address of defendant, date, description, description of offense, location of judge, date warrant issued, warrant number, witnesses, sex, race, social security number, height, weight, date of birth, defendant, preliminary hearing date, bail amount, disposition, and judge's signature. This series is summarized in the Index to Arrest/Booking Reports.

B. Retention: Until copy of the warrant is served, then forward the original to the issuing official.

12-502.21. Daily Shift Report

A. Description: Record of daily activities during each shift. Information includes employees working, shift, census report, custodial report, shift supervisor's signature.

B. Retention: 3 years, then destroy.

12-502.22. Training Files

A. Description: Summary training information of all commissioned personnel. Information includes appointment/commission; copies of application for Police Academy, including photo copies of High School

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Diplomas, GED or official transcript, certified copy of driver history, NCIC I and II, pre-placement medical history, and birth certificate; certification letter from Police Academy; list of training completed, including firearms, emergency vehicle operations, blood borne pathogens, cores, legal, baton certification, cap-stun certification, crime to courts (including written and practical exercises); any other outside agency training received while employed by the Sheriff's office; hepatitis B testing and results; equipment issue; equipment order; and disciplinary actions which relate to training.

B. Retention: 5 years after termination of employment, then destroy.

12-502.23. Dispatch Records

A. Description: Records each time an officer is dispatched in response to a citizen's call. Information includes complainant's name, complainant's address, and complainant's phone number.

B. Retention: 3 years, then destroy.

12-502.24. Complaint Cards

A. Description: Documents the complaints received by the Sheriff's Department. Information includes complaint number, nature/code complaint, date received, name of complainant, home address and telephone number, time received, action taken, time dispatched, and officer assigned.

B. Retention: 5 years, then destroy.

12-502.25. Polygraph Records

A. Description: Sheriff's Department copies of the South Carolina Law Enforcement Division's record of the testing of subjects who submit to a polygraph test in an effort to determine truthfulness regarding facts in an investigation of a criminal act. Information includes date of examination, name of subject, graphic responses to questions, and signature of examiner/operator.

B. Retention: 5 years after case is closed, then destroy.

12-502.26. SLED Lab Reports

A. Description: Report from SLED explaining preliminary examination of evidence submitted from the sheriff's department regarding crimes that have been committed. Information includes date, reference (case number, victim's name, subject, offense, local case number), content, signature of analyst, date, and location. The original is retained by SLED permanently.

B. Retention: 3 years, then destroy.

12-502.27. Property Receipts

A. Description: Records collection of personal property taken from abandoned vehicles, recovered stolen vehicles, and other stolen property. Information includes date, time, case number, description of property, name and address of owner (if available).

B. Retention: 3 years, then destroy.

12-502.28. Radio Logs

A. Description: Document all incoming and outgoing radio communications. Information includes date, time, broadcast from, broadcast to, signal number, message, dispatcher name, on duty time, and off duty time.

B. Retention: 2 years, then destroy.

12-502.29. Summons and Arrest

A. Description: Standard state form including the following information: driver's name, address, occupation, state licensed, license number, vehicle number, state, make of vehicle, year, name of trial officer, street and number, city, date of trial, time of trial, violation, section number, nature of offense, owner of vehicle, address of owner, date of arrest, date of violation, case, disposition, description of accused, sentence of court, committed to, arrest as a result of accident, certified correct, date, offense code, test refused, blood alcohol level, amount of fine, and amount of suspense.

B. Retention:

(1) DUI Offenses: 10 years after trial date, then destroy.

(2) Non – DUI Offenses: 5 years, then destroy.

12-502.30. Uniform Crime Reports

A. Description: Copy of the monthly statistics sent to South Carolina Law Enforcement Division outlining criminal activity within the county. Information includes date, case number, description of crime, subject name, victim name, officer number, received by, received from, receipt number, and released to date.

B. Retention: 3 years, then destroy.

Subarticle 3. County Council/Administration

12-503.13. Agenda Packets (Council, Boards, and Commissions)

A. Description: Record of items submitted for consideration to the county council and other boards and commissions. Information includes meeting number, date, locale and time; order and description of proposed business.

B. Retention: Permanent. Microfilm optional.

12-503.14. Various Board and Commission Minutes

A. Description: Meeting minutes of various boards and commissions, including records of proceedings and written descriptions of business conducted. Information includes dates of meetings, names of members present, and other matters discussed.

B. Retention: Permanent. Microfilm optional.

12-503.15. General Correspondence and Subject Files

A. Description: Copies of incoming and outgoing correspondence to and from the office with businesses and other government offices and citizens, studies, reports, memorandums, statistics, policies, and manuals. For the purpose of retention scheduling, the files are broken down as follows:

(1) Policy and Program Records. These records document the formulation and adoption of policies and procedures and the implementation or management of the programs or functions of the office or department. Included are such records as correspondence with citizens and government officials regarding policy and procedures development or program administration; annual or ad hoc narrative or statistical reports on program activities, achievements or plans; organizational charts and mission statements; studies regarding department or office operations; circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures, or programs; and records related to significant events in which the department or office participated. Records may include photographs, published material, audio tape, or other record forms.

(2) General Administrative Records. These records are of a general facilitative nature created or received in the course of administering programs. Included are such records as correspondence of a routine or repetitive type, such as request for information; reference materials, sometimes of a technical nature, used, but not created by, the office; daily, weekly, or monthly office activity reports which are summarized in annual reports or which relate to routine activities; personnel data on office staff which are duplicated in personnel office files; purchase orders, travel expense statements or similar financial papers which are duplicated in fiscal office files; daily or weekly work assignments for office staff; suspense or follow up files which duplicate copies of papers filed elsewhere; circular letters, directives or similar papers received from other offices; and rough drafts or notes created in compiling reports or studies.

(3) General Housekeeping Files. These records are of a general "housekeeping" nature created or maintained by an office which do not relate directly to the primary program responsibility of the office. Included are such records as charitable fund raising drive materials; custodial services request; emergency evacuation procedures; notices of holidays; parking space assignment lists; telephone installation requests; and lists showing the distribution of keys.

B. Retention:

(1) Policy and Program Records: Permanent. Microfilm optional.

(2) General Administrative Records: 5 years, then destroy.

(3) General Housekeeping Files: Until no longer needed for reference, then destroy.

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Subarticle 4. Finance

12-504.14. Budget Files

A. Description: Preparation materials used in the formulation of the county budget. Information includes budget requests and supplemental information justifying budget requests.

B. Retention: 3 years, then destroy.

12-504.15. Chart of Accounts

A. Description: Used to provide a cost accounting system to satisfy legal and stewardship requirements connected with handling public funds. Information includes balance sheet accounts, revenue accounts, and expenditure accounts.

B. Retention: 5 years, then destroy.

12-504.16. Fixed Assets

A. Description: Provides an inventory of fixed assets (office equipment, furniture, motor vehicles, weapons, radios, computers, etc.) for each department. Information includes department name, item description, account number, invoice number, vendor number, check number; completed by, asset description, serial number, class code, asset number, department location, department sub-location, comments, acquisition information: date, cost, code, and condition; vehicle number, employee assigned vehicle, key number, inspection month, fuel code, insurance code, odometer reading, license number, and odometer code.

B. Retention: 3 years after property disposal, then destroy.

12-504.17. Grant Files

A. Description: Background application information and action taken on federal and state grants awarded to the County. Information includes grant number, date, amount, Federal or State grant, filing guidelines, grant application, contracts, correspondence, reimbursement requests, progress reports, and final reports.

B. Retention:

(1) Applications, Grant Contract Agreements, and Annual and Final Grant Project Reports for Significant Projects: Permanent. Microfilm optional.

(2) Other Records: 3 years after completion of grant project, then destroy.

12-504.18. Journal Entries

A. Description: Various types of journal entries created by the finance department, used to review and adjust various accounts before transferring information to the General Ledger. Information includes name of department, account number, description, voucher number, date, reference number, debit, credit, and date.

B. Retention: 3 years, then destroy.

12-504.19. Balance Sheets

A. Description: Monthly summary of accounting data, assets, liabilities, and net worth. Information includes account number, assets, reserve and fund balances, liabilities, totals, and net worth.

B. Retention: 1 year, then destroy.

12-504.20. Trial Balances

A. Description: Summary information of receipts and expenditures from various accounts used in balancing the General Ledger. Information includes date, account number, name, month to date balance, and year to date balance. For computer generated ledgers this annual accounting code data and computer system documentation is needed to access accounting information.

B. Retention: 3 years, then destroy.

12-504.21. Landfill Billing Invoices and Weight Tickets

A. Description: Used to bill for services at the county landfill. Information includes invoice number, date, description, weight, and total amount due.

B. Retention: 3 years, then destroy.

Subarticle 5. Purchasing

12-505.6. Contracts

A. Description: Contracts made between the county and another party. Information includes date, type of contract, explanation of agreement, signature of parties, and notarization.

B. Retention: 3 years after contract expires, then destroy.

Subarticle 6. Personnel

12-506.6. Earnings Record

A. Description: Summarized list of earnings for each county employee. Information includes social security number, name, gross pay, net pay, federal taxes, state taxes, local taxes, FICA, and retirement deductions.

B. Retention: 3 years, then destroy.

12-506.7. Deduction Registers

A. Description: Summarizations of information on deductions from payroll checks. Used for balancing accounts, internal fiscal control, and external audits. Information includes employee name, social security number, year to date tax deductions.

B. Retention: 3 years, then destroy.

12-506.8. Leave Records

A. Description: Record of leave balances for each employee. Information includes name, social security number, leave accrued, leave used, and balances.

B. Retention: 3 years, then destroy.

12-506.9. Employee Insurance Files

A. Description: Record of insurance coverage selected by employees of the county. Information includes Certificate of Election, Notice of Election Form, Rejection Notice, and coverage termination form.

B. Retention: 3 years after inactive, then destroy.

12-506.10. Log and Summary of Occupational Illnesses and Injuries

A. Description: Record required by the Occupational Safety and Health Act of 1970, used to record pertinent information concerning work-related deaths, injuries, and illness. Information includes annual average employment, total hours worked, nature of business, month of OSHA inspection, recordable injuries and illness, occupational illness and injury, and title, signature, phone number, date, and comments of person preparing report. These reports are forwarded to the South Carolina Department of Labor.

B. Retention: 5 years, then destroy, unless needed for further reference.

12-506.11. Workman's Compensation Records

A. Description: Case files containing records and reports generated as a result of employment related accidents involving county employees. Information includes date, employee name, address, claim number, description of injury and accident, date of accident, insurance company.

B. Retention:

- (1) Employer's First Report of Injury: 3 years after settlement, then transfer to employee files.
- (2) Other Records: 3 years after settlement, then destroy.

12-506.12. Grievance Hearing Files

A. Description: Materials relating to the reviewing, hearing and disposing of employee grievances and appeals of adverse personnel actions and disciplinary measures. Information includes letters of appeal, documentation from department heads, copies of complaints, investigations reports, hearing transcripts or summaries and related correspondence.

B. Retention: 5 years after settlement of issue, then destroy.

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Subarticle 7. Auditor

12-507.14. Abatements

A. Description: Record of abatements granted to taxpayers in the county. Information includes a detailed assessment of taxes on an individual's property, both real and personal.

B. Retention:

- (1) Abatements for Manufacturing Plants: Permanent. Microfilm optional.
- (2) Abatements for other Taxpayers: 10 years, then destroy.

12-507.15. Abstracts of Annual Settlements

A. Description: Auditor's copies of the abstracts which are forwarded to the Comptroller General each year. The abstracts summarize the annual settlements of the Auditor's and Treasurer's records.

B. Retention: 3 years, then destroy.

12-507.16. Affidavit and Notification of Sales of Motor Vehicles

A. Description: Auditor's copy of the form supplied by automobile dealerships documenting sale of motor vehicles. Information includes date, amount of purchase, name of dealership, make of car, and name of buyer.

B. Retention: 1 year, then destroy.

12-507.17. Affidavit of Motor Vehicle High Mileage

A. Description: Claim for high mileage discounts on personal property taxes for qualifying vehicles. Information includes total miles, vehicle make, model, year, identification number, signature of owner, date filed, and notary statement.

B. Retention: 3 years, then destroy.

12-507.18. Auditor's Monthly Reports

A. Description: Copies of the Auditor's monthly reports submitted to the treasurer showing record of fees collected. Information includes amounts, types of fees collected, and signature of auditor.

B. Retention: 3 years, then destroy.

12-507.19. Business Personal Property Returns

A. Description: Record of personal property tax returns for businesses in the county. These are used by the county auditor to compile the tax duplicate books. Information includes name of owner, property location, tax district, type of business, cost of furniture, fixtures, and equipment, accumulated depreciation for income tax purposes, net book value, 10% cost of all items which have depreciated more than 90%, signature of owner, phone number, and date.

B. Retention: 5 years, then destroy.

12-507.20. Business Personal Property Assessment Records

A. Description: Auditor's copies of personal property assessments made by the South Carolina Tax Commission for businesses in the county. Information includes file number, document location, address, business location, school location, furniture and fixture assessments, penalty, grand total, and date.

B. Retention: 5 years, then destroy.

12-507.21. Supplemental Tax Returns

A. Description: Tax returns that list property tax assessments which were not included on the original return. The information is the same as the regular tax returns and is contained in the auditor's tax duplicates.

B. Retention: 3 years, then destroy.

12-507.22. Rollbacks

A. Description: Rollback of tax assessments due to changes in the use of the property to a lower assessment usage. Information includes parcel number, legal owner, owner's name, address, soil types, market value, remarks, date and initials, district tax year, assessment, and previous owner.

B. Retention: 5 years, then destroy.

12-507.23. Homestead Exemption Records

A. Description: Records documenting homestead exemptions in the county. Information includes lists of persons who have applied for the exemption, reports of homestead tax exemptions and property values, records pertaining to state reimbursement for homestead exemptions, supplemental homestead exemption lists, homestead corrections lists, and uncompleted homestead exemptions.

B. Retention: 3 years, or until superseded, then destroy.

12-507.24. Military Personnel Automobile Tax Exemptions

a. Description: Tax exemption forms showing vehicles owned by military personnel who are stationed in the county, but are legal residents of other states and are subject to taxes in the state of legal residence. Information includes owners name, address, vehicle year, make, model, VIN number, date, social security number, signature of owner, signature of commanding officer.

B. Retention: 3 years, then destroy.

12-507.25. Mobile Home Records

A. Description: Records created by the Auditor pertaining to mobile homes in the county. Types of records may include mobile home moving permits, mobile home permits, and mobile home titles.

B. Retention: 3 years, then destroy.

12-507.26. Refunds

A. Description: Record of refunds extended for real and personal property tax overpayments. Information includes receipt number, license plate number, vehicle information, name, address, assessment, refund due amount, check number, dates, and signatures.

B. Retention: 3 years, then destroy.

12-507.27. Property Tax Returns on Aircraft

A. Description: Record of property tax returns on aircraft owners in the county. Information includes name of registrant, address, owner's name, purchase date, registration date, aircraft home and base address, make of aircraft, serial number, model of aircraft, year of aircraft, estimated market value and signature of person giving information.

B. Retention: 5 years, then destroy.

12-507.28. List of Deceased County Residents

A. Description: Record of deceased county residents over age 17 sent to the Auditor. Lists originate from the County Probate Judge's Office, Health Department, and Comptroller General. Information includes name of deceased, social security number, date of death, and address.

B. Retention: 2 years, then destroy.

12-507.29. Address Changes

A. Description: Record of address changes sent by county residents or returned mail by the post office. Information includes name, old address, and new address.

B. Retention: 2 years, then destroy.

12-507.30. Vehicle Listing

A. Description: Computer printout list of all automobiles in the county. Information includes name, street, city, state, zip, license number, year, make, body, issue date, type, vehicle ID number, value plus ten percent, and signatures.

B. Retention: Until superseded, then destroy.

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Subarticle 8. Treasurer

12-508.17. Abatements

A. Description: Record of tax assessment reductions for real estate taxes and personal property which were incorrect or no longer owed. Information includes year, date, receipt number, name, address account number, district, tax assessment, amount of tax abated, reason for abatement and authorizing signature.

B. Retention: 5 years then destroy.

12-508.18. Abstract of Delinquent Taxes

A. Description: Treasurer's copies of the abstracts which are forwarded to the Comptroller General each year. These abstracts contain summary totals of delinquent taxes assessed and paid for one fiscal year.

B. Retention: 3 years, then destroy.

12-508.19. Abstract of Personal Property

A. Description: Treasurer's copies of the abstracts which are forwarded to the Comptroller General each year. These abstracts contain summary totals of personal property returned for taxation in the county.

B. Retention: 3 years, then destroy.

12-508.20. Bankruptcy Files

A. Description: Files of bankruptcy cases involving property located in the county. Information includes legal court documents, legal papers, attached signatures, copies of tax assessment on property and other legal papers. This information is filed with the United States Bankruptcy Court.

B. Retention: 10 years, then destroy.

12-508.21. Delinquent Tax Receipts

A. Description: Receipts for taxes not yet paid by property owners in the county. Information includes lot number, property number, year delinquent, delinquent amount, tax due, location of property, and name and address of property owner.

B. Retention: 3 years, then destroy.

12-508.22. Nulla Bonas List

A. Description: Lists of persons owing taxes that could not be collected. Information includes year, district, number, name, amount, and total.

B. Retention: 3 years, then destroy.

12-508.23. Claims

A. Description: Claims submitted to the Treasurer's Office requesting refunds of personal or vehicle taxes. Information includes receipt number, owner name, tax year, millage, property description, amount of taxes paid, date paid, reason for refund, owners' signature, mailing address, telephone number, social security number, refund information and signature of approving authority.

B. Retention: 3 years, then destroy.

12-508.24. Daily Abstract of Property and Poll Tax Collected

A. Description: Daily record of property and poll taxes collected within each school district. Information includes date, school district number, name of person, amounts paid, bank deposit amount and name of bank.

B. Retention: 3 years, then destroy.

12-508.25. Investment Records

A. Description: Reports all investments made by the county. Information includes type of investment, fund number, account number, document number, purchase date, and remarks. This information is summarized in the General Ledger.

B. Retention: Permanent. Microfilm optional.

12-508.26. Magistrate Reports of Fines and Fees

A. Description: Magistrates' monthly report to the county treasurer of fines and fees collected by their offices. Information includes record of fees, names, dates, criminal and traffic dockets with amounts, offenses, officers, dispositions, and receipt numbers.

B. Retention: 3 years, then destroy.

12-508.27. Rollbacks

A. Description: Rollback tax differences computed when use of property changes upon conveyance of property to a new owner. Information includes name/address, tax map number, tax district, date, class, percent, acres/lots, number of improvements, assessed value, years, market value, use value, value tax, rollback tax, year.

B. Retention: 5 years, then destroy.

12-508.28. Refund for Overpayment of Taxes

A. Description: Record of refunds granted for overpayment of taxes. Information includes date, receipt number, refund amount, name and address of taxpayer, and description/purpose of refund.

B. Retention: 3 years, then destroy.

12-508.29. Vehicle Tax Collection Register

A. Description: Record of taxes collected on vehicles owned by county residents. Information includes date, receipt number, name, district, levy, date, make, body, identification number, taxes and total taxes.

B. Retention: 3 years, then destroy.

Subarticle 9. Tax Collector

12-509.3. Abatement Lists

A. Description: List maintained by the tax collector of those county taxpayers receiving abatements on their taxes. Information includes record type, date, receipt number, abatement reason, name, and amount.

B. Retention: 3 years, then destroy.

12-509.4. Delinquent Tax Digest

A. Description: Schedule of all taxable real estate and personal property in the county which has not been collected and is now considered delinquent. Information includes name and address of property owner, description of property, tax year, receipt number, map and parcel number, number of acres, number of lots, number of buildings, assessment value, and total tax amount.

B. Retention: 10 years, then destroy.

12-509.5. Nulla Bonas

A. Description: Record documenting a request for change, addition, or deletion of taxes. Information includes date, taxpayer's name and address, year, receipt number, new receipt number, reason for change, old/new receipt number, original/new assessment, initials of staff person working with original receipts, date and owners signature.

B. Retention: 3 years, then destroy.

12-509.6. Delinquent Tax Settlement Records

A. Description: Copies of paid tax executions issued to taxpayers upon payment of taxes and penalties. Information includes tax execution receipt, name and address of owner, description of property, tax receipt number, taxes and penalties due, total amount due.

B. Retention: 3 years, then destroy.

Subarticle 10. Tax Assessor

12-510.6. Appraisal Records

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A. Description: Used to determine appraisal values of all parcels of land in the county. Information includes parcel number, building, heat area, heat pump, electric, baseboard, add-ons, fireplace, garage, carport, basement finished/unfinished, yard improvements, concrete paving, asphalt paving, parcel identification number, class, type, date of appraisal, lump sum adjustment.

B. Retention:

- (1) Non-Computer Generated Appraisal Records: Permanent. Microfilm optional.
- (2) Computer Generated Appraisal Records: Permanent. Microfilm.

12-510.7. Property Transfer Records

A. Description: A record of property conveyances in the county, used to update tax records. Information includes name, address of seller and buyer, map number, deed reference, plat book reference number, sales price, amount sold (acreage, lots, buildings) and school district.

B. Retention: 3 years, then destroy.

12-510.8. Appeals of Assessment

A. Description: Record of appeals and proceedings created as the result of an appeal from a property owner concerning the amount of taxes assessed. Information includes name, tax map number, address, and reason for appeal.

B. Retention: 3 years, then destroy.

12-510.9. Assessment Change

A. Description: Record of corrections made on assessment tax errors. Information includes tax map number, name/address of property owner, location of property, mobile home class/appraisal/assessment, class, acres/lots, appraisal acres or lots, improvements.

B. Retention: 3 years, then destroy.

12-510.10. Notice of Classification, Appraisal, and Assessment

A. Description: Records notifying taxpayers of property assessments. Information includes market value, ratio, assessment, tax map number, prior market value, percent of increase, property location, subdivision, legal description, mailing address, reason for change, tax district, and date of notice.

B. Retention: 1 year, then destroy.

12-510.11. Rollbacks

A. Description: Used in creating the rollback tax bill which records a reduction in property taxes due to changes in the use of the property to a lower assessment usage. Information includes names, dates, map numbers, acreage, market value, use value, assessments, roll back amounts, and applicable year.

B. Retention: 5 years, then destroy.

12-510.12. Multiple Lot Discount Applications

A. Description: Applications submitted for a multiple lot discount. Information includes tax year, name of subdivision, total number of lots, total number of lots unsold, plat reference, deed book, deed book page, location, tax maps, tax district, improvements, mills per lot, and financing.

B. Retention: 3 years, then destroy.

12-510.13. Mobile Home Records

A. Description: Records created by the Assessor pertaining to mobile homes in the county. Type of records may include mobile home license applications, mobile home moving permits, mobile home record cards, mobile home decal applications, mobile home transfers, mobile home listings, mobile home values lists, and mobile home assessment forms.

B. Retention: 3 years, then destroy.

Subarticle 11. Building/Planning and Development

12-511.3. Planning and Zoning Commission Minutes

A. Description: Minutes of Planning and Zoning Commission meetings which include written descriptions of the administrative business conducted. Information includes dates of meetings, names of members present, matters discussed, and agenda packets.

B. Retention: Permanent. Microfilm optional.

12-511.4. Maps, Blueprints, and Drawings

A. Description: Maps, blueprints, and drawings submitted for building projects under construction. Information includes blueprints, maps, and drawings for commercial and residential projects.

B. Retention:

- (1) Blueprints and/or Sepia for Public Building Projects: Permanent. Microfilm.
- (2) Other Maps and Drawings for Public Building Projects: Permanent. Microfilm optional.
- (3) Other Maps, Blueprints, and Drawings: Until no longer needed for reference, then destroy.

12-511.5. Permits – Gas, Electrical, Mechanical, Plumbing

A. Description: Records documenting permission granted by the county to perform electrical, mechanical, plumbing and gas work that complies with codes. Information includes application form, date, issued by, permit number, TMS number, decal number, fees, land owner, acreage, tax district, address of applicant, phone number, site address, directions, subdivision, business name, lot, block, type of work, heating/cooling, type of fuel, contractor, state license number, phone number, cost, completion date, signature of owner, contract or agent.

B. Retention: 3 years after completion of project, then destroy.

12-511.6. Sign Permits

A. Description: Records documenting permission granted by the county to erect a sign. Information includes application form, date, issued by, permit number, site address, business name, phone number, cost, completion date and signature of owner.

B. Retention: 3 years, then destroy.

12-511.7. Septic Tank Permits

A. Description: Documents permission granted by the county to builders or developers for installing septic tank systems that meet the county's building codes. Information includes tank size, size of drainfills, and property location.

B. Retention: 3 years, then destroy.

12-511.8. Inspection Records

A. Description: Documents inspections conducted to buildings under construction within the county to insure compliance with county building codes. Information includes builder's representative requesting each inspection, date performed, outcome of inspection, date completed, date utilities released, and notes from office staff to inspector.

B. Retention: 3 years, then destroy.

12-511.9. Subdivision Files

A. Description: Records documenting the planning and approval stages in the development of a subdivision in the county. Information includes subdivision plats, correspondence and approvals from the Planning Commission.

B. Retention: Permanent. Microfilm optional.

12-511.10. Zoning and Variance Materials

A. Description: Materials relating to zoning and variance requests within the county. Information includes copy of request, notes, resolutions passed, maps, charts, and opposition.

B. Retention: Permanent. Microfilm optional.

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Subarticle 13. Maintenance Garage/Fleet Maintenance

12-513.1. Maintenance and Repair Records

A. Description: Record of maintenance and repairs performed on county owned vehicles. Information includes department, FRS class code, vehicle type/number, date in, time in, odometer reading, date completed, time completed, down time, hours, activity type, year, make, engine size, vehicle identification number, model, license number, transmission type, repair order instruction, mechanic number, hours, labor charge, labor total, driver comments, driver employee number, parts issued record, petroleum products issued, parts total, labor total, grand total, approved by, part number and description, price, accessories, total accessories, outside repairs, total outside repairs, vendor costs, name, address, city, customer order number, date, phone, order written by, terms, description of work, amount, gallons of gas, quarts of oil, pounds of grease, total labor, total parts, accessories, tax, total.

B. Retention: Until vehicle is disposed of or no longer in use, then destroy.

12-513.2. Fuel System Reports

A. Description: Report of the regular and diesel fuel dispensed at the county fuel depot. Information includes equipment number, date, time, employee number, card number, mileage, product code, quantity, expense charged and totals for equipment numbers.

B. Retention: 2 years, then destroy.

12-513.3. Work Orders

A. Description: Work orders for the repair and maintenance of vehicles and equipment. Information includes type of service requested, parts and labor required.

B. Retention: 3 years, then destroy.

12-513.4. County Vehicle Accident Files

A. Description: Documents accidents involving county vehicles. Information includes dates of accident, department involved, parties involved, vehicle county number, damage estimates, and settlements.

B. Retention: 3 years, then destroy.

Subarticle 14. Library

12-514.1. Library Board Meeting Minutes and Agendas

A. Description: Record of proceedings at meetings of the Library Board. Information includes dates and times of meetings, members present, informational items, Director's Report Summary, Public Service Report Summary, financial information, policy approvals and motions made by the Board.

B. Retention: Permanent. Microfilm optional.

12-514.2. Patron List

A. Description: List of all library card holders. Information includes name and address, telephone number, place of employment (if applicable), school (if applicable), and signature of cardholder or parent.

B. Retention: Until superseded, then destroy.

12-514.3. Shelf List

A. Description: Record of each volume in the library. Information includes call number, author, title, publication date, acquisition date, description of book, and type book.

B. Retention: Until superseded, then destroy.

Subarticle 15. Emergency Services

12-515.1. Patient Care Form

A. Description: Records consist of DHEC forms completed by the attending paramedic listing the drug usage and other relevant data on the emergency call. Also includes payment authorization/billing forms. Records may

be used by attorneys in litigation. Information includes patient identification, address, sex, race, date of birth, hospital transported to, disposition, safety equipment, patient status, incident location, preliminary impression, treatment procedure, drug used, site of trauma, advanced procedures, vital signs, comments, chief complaint, observation at scene, time record, DHEC permit number, auto plate number, attendants signature and billing information.

B. Retention: 10 years, then destroy.

12-515.2. Dispatch Cards for 911 Emergency Calls

A. Description: Forms documenting emergency calls dispatched to the Fire Department, the Sheriff's Department, the Police Department or to Emergency Medical Services. Information includes dispatch number, location, incident type, caller name, call back number, unit and dispatch information or unit and response information.

B. Retention: 3 year, then destroy.

12-515.3. 911 Phone Logs

A. Description: Record of incoming calls to 911. Information includes name, address, phone number, time and date of call.

B. Retention: 3 years, then destroy.

12-515.4. Radio Logs

A. Description: Log of the calls received, calls dispatched, and other radio traffic. Information includes date; time; verbal communications; complainant's name, address and phone number; and responding officer's unit number.

B. Retention: 3 years, then destroy.

12-515.5. EMS Accounts Receivable

A. Description: Record of billing to health insurance companies and uninsured patients for emergency medical service. Information includes date, account number, charges, amount paid, balances, type of service, description of illness, ordered by, total miles driven, insurance company information, medicare information, medicaid information, transported from, transported to, paramedic, EMT, driver, and service/supplies.

B. Retention: 3 years, then destroy.

Subarticle 16. Animal Control

12-516.1. Animal Complaint Forms

A. Description: Record of animal complaints and action taken. Information includes request made by (name, address, city), directions, nature of complaint, actions taken, date, phone number, and complaint number.

B. Retention: 3 years, then destroy.

12-516.2. Animal Control Release Form

A. Description: Records documenting the release of all animals from the owner to the Animal Control Office relinquishing all rights of ownership to the animal. This contract specifies that after 24 hours the animal will become the property of the county. Information includes name, address, signature, date, type of animal, breed, sex, animal's name (if any), reason for giving up animal, stray or unwanted and temperament.

B. Retention: 5 years, then destroy.

12-516.3. Adoption Agreement

A. Description: Record of animals adopted from Animal Control. Information includes adopter's information: name, address and phone number of person adopting the animal; Animal information: age, description, breed and sex of animal; adoption rules; date; signature; and fee.

B. Retention: 5 years, then destroy.

12-516.4. Euthanasia Drug Usage

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A. Description: Records used to track the amount of drugs used per animal, as well as number of euthanized animals. Information includes date, number of cc's used, weight of animal, type of animal, control number, initials and time of day.

B. Retention: 5 years, then destroy.

12-516.5. Animal Violation Ticket

A. Description: Notification of violation of the Animal Control Ordinance. Information includes type of violation, violation date, time, location, breed of animal, color of animal, officer's name, owner's name and address, signature of officer and date.

B. Retention: 3 years, then destroy.

Subarticle 17. Voter Registration and Elections

12-517.1. Ballots

A. Description: Consists of printed ballots from general elections. Information includes name of candidate, office running for, and space for write-in candidate.

B. Retention:

(1) Marked Ballots for Uncontested Elections: 2 years after certification of election, then destroy.

(2) Marked Ballots for Contested Elections: 2 years after decision on contested results is made, then destroy.

(3) Unmarked Ballots: 30 days after election, then destroy.

12-517.2. Poll Managers Applications and Tests

A. Description: Record of individuals seeking position of certified poll manager, as well as poll manager test and test score. Information includes name, birth date, mailing address, telephone number, occupation, precinct, voter registration number, social security number, political party, applicant signature, test score, and date of application.

B. Retention: 5 years after date of test, then destroy.

12-517.3. Petitions and Petition Summary Sheets

A. Description: Used to nominate candidates for office, to certify political parties, to propose an ordinance, to call for referenda on ordinances, to call for a referendum, or to change the existing form of government. Information includes petition: county, purpose of petition, signature and address of voters, registration certificate of voter, and precinct of voter; and petition receipt: name of candidate, name of office, date of election, number pages, total number signatures, date submitted, time submitted, signature of election commission member or clerk, number of signatures needed for petition approval, number of signatures found to be valid, number of signatures submitted on petition, signature of member of registration board or clerk, and date.

B. Retention: Permanent. Microfilm optional.

12-517.4. Absentee Ballot Requests (Applications for Absentee Ballots)

A. Description: Documents official requests for sending out absentee ballot applications. Information includes request number, date, party, name of voter, voter's address, home address, precinct number, registration number, name of requester and address, name/address of voter's relative, phone number, comments, application number and date mailed.

B. Retention: 2 years after date of election, then destroy.

12-517.5. Election Material (Used)

A. Description: Materials used by the election commission during an election to document the collection of ballot box keys and to verify the election was run correctly. Information includes plastic key to ballot boxes, spoiled ballots, ballot box verification form name/address of verifier, red seal number (plastic key), type of election, name of witness, date, and computer diskettes used to tabulate election results.

B. Retention: 2 years after date of election, then destroy.

12-517.6. South Carolina Election Commission Voter List

A. Description: Listing of all registered voters in the county. Information includes election number, election date, county code, precinct code, names, certificate numbers, addresses, social security numbers, date of birth and descriptions.

B. Retention: 4 years after date of election, then destroy.

12-517.7. Inactive Voter List (Outdated Voter List)

A. Description: Listing of outdated registrations. Information includes names, certificate number, address, social security number, date of birth, occupation, registration, date, sex, race, height, weight and color of hair and eyes.

B. Retention: 2 years after date of election, then destroy

12-517.8. Election Results

A. Description: Computer printout listing the precinct totals for candidates for political office. Information includes number of votes for each candidate and the total votes cast for election.

B. Retention: Permanent. Microfilm.

12-517.9. Federal Post Card Application and Registration

A. Description: Post cards printed by the federal government used to mail information in to Voter Registration. Information includes name, social security number, home address, mailing address, date of birth and signature.

B. Retention: Permanent. Microfilm optional.

12-517.10. Political Maps

A. Description: Maps created by the Research and Statistical Services Office showing political boundaries and political numbers of political subdivisions.

B. Retention: Until superseded, then destroy.

12-517.11. Computer Printout Tallies

A. Description: Computer printouts generated by the State Election Commission showing a breakdown by race of the statistical data on various subdivisions. Information includes Decode, School Tally, City Council Tally, County Council Tally, Congressional District Tally, Senate District Tally, House District Tally, and Race Breakdown.

B. Retention: 10 years, then destroy.

12-517.12. Application to Register to Vote

A. Description: Documents persons registering to vote in county elections. Records are active and inactive; inactive-deceased; inactive-convicted; inactive-moved; and inactive-over 5 years. Information includes name, sex, race, social security number, address, date of birth, certificate number, and precinct assigned to.

B. Retention: Permanent. Microfilm optional.

Subarticle 18. Coroner

12-518.1. Index to Inquisitions

A. Description: Serves as a finding aid to the Coroner's inquisition records. Information includes name of deceased, date of death, date of inquisition, and reference number of inquisition.

B. Retention: Permanent. Microfilm optional.

12-518.2. Inquisitions Records

A. Description: Records Coroner's inquests into sudden, violent, or unusual deaths. Information includes date of inquest, name of deceased, ages, cause, and manner of death.

B. Retention: Permanent. Microfilm optional.

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12-518.3. Case Files

A. Description: Contains some or all of the following documents relating to deaths reported to the Coroner: coroner's report, law enforcement report, autopsy report, evidence report, burial permits, death certificate, forensic request and report, investigative notes, photographs, medical and dental records, subpoenas, and newspaper clippings. Information includes names and addresses, times, dates, places, signatures, and titles.

B. Retention: Permanent. Microfilm optional.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Document No. 2666
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

12-300 through 12-336 General Retention Schedule for State Administrative Records

Synopsis:

The General Assembly approved Regulation 12-300 through 12-336 (General Retention Schedule for State Administrative Records) on June 26, 1992. The amendments will simplify the disposition process for state agencies; add new series for records common to most state agencies; amend sections concerning records which require better description and more appropriate retention periods; and repeal sections concerning records which are no longer created.

12-300 Introduction and general matters; application of schedule.

New text indicates the general schedule covers information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process state agencies will use to destroy records through use of the general schedule is being simplified. Agencies will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state agencies to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process state agencies currently use when implementing schedules approved specifically for their agency. This change will allow agencies to use one form to report destruction through use of both general and specific schedules.

12-301 through 12-304 (Reserved for future use) is being deleted so that four new series may be added. Series 12-301 through 12-304 are being added to make it easier for agencies to manage these records.

12-306. The series description is being changed to make it more inclusive and accurate, and the retention period is being changed to allow the Archives to select archival records for permanent retention.

12-307. The series description is being changed to make it more accurate.

12-308. The series title is being changed to make it more inclusive and the description is being changed to make it more accurate.

12-312. The description is being changed to clarify the basis for the permanent retention of these records through the Attorney General's Office.

12-316. The description is being changed to clarify the permanent retention of this series through the State Budget and Control Board's Office of General Services. The retention period is being changed from permanent to non-permanent since the record copy of this series is retained permanently through the State Budget and Control Board's Office of General Services. Also, the terms of the retention period are being expanded.

12-317. The retention is being changed to allow the non-executive level staff of agencies to dispose of these records when they are no longer needed for reference.

12-318. The description is being changed to clarify the basis for the permanent retention of portions of these records through the State Budget and Control Board's Office of Research and Statistics.

12-321. The description is being changed to clarify the basis for permanent retention of portions of these records through the Attorney General's Office.

12-323. The retention period is being changed to allow state agencies to transfer these records sooner for research and preservation purposes.

12-326. This retention is being changed to include records created during 1980.

12-328. The description is being changed to make it more accurate.

12-330 Reading Files is being deleted because duplicates are not covered by this general schedule. 12-330 Disaster/Emergency Preparedness and Recovery Plans is being added in its place to make it easier for state agencies to manage these records.

Instructions:

Delete existing 12-300 and add new 12-300.

Delete existing 12-301 through 12-304 reserved for future use and add new 12-301 through 12-304.

Delete existing 12-306 and add new 12-306.

Delete existing 12-307 and add new 12-307.

Delete existing 12-308 and add new 12-308.

Delete existing 12-312 and add new 12-312.

Delete existing 12-316 and add new 12-316.

Delete existing 12-317 and add new 12-317.

Delete existing 12-318 and add new 12-318.

Delete existing 12-321 and add new 12-321.

Delete existing 12-323 and add new 12-323.

Delete existing 12-326 and add new 12-326.

Delete existing 12-328 and add new 12-328.

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Delete existing 12-330 and add new 12-330.

Text:

12-300 Introduction and general matters; application of schedule.

The following general records retention schedule contains minimum retention periods for the official copy of the agency's records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, state agencies must complete and submit a report of records destroyed form to the State Archives after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. State agencies must also contact the State Archives to transfer permanent records to the State Archives for archival retention. Before disposing of public records under this general schedule, state agencies are responsible for ensuring that records are no longer required for federal or state audits, for legal purposes, for litigation, for fiscal information, and/or for any other action. This general schedule supersedes all schedules approved previously for the same records series. However, state agencies may opt out of this general schedule, and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary or in order to avoid conflict with other laws and regulations.

12-301 Annual Accountability Reports

A. Description: Used to determine whether an agency is effectively achieving its legislative mission and program objectives. This record series is prepared by all state agencies and submitted to the Budget and Control Board for distribution to the General Assembly and the Governor's Office. Information includes an agency's mission statement, program objectives, work performance measurement data, analysis of program cost allocations, and related information. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Budget.

B. Retention: Until no longer needed for reference; destroy.

12-302 Meeting Minutes (Executive Levels)

A. Description: Used to document the meetings of an agency's executive staff which includes the director, the deputy director, and the division directors. Information includes agenda, place, date, list of attendees, and a summary of discussions and decisions. Also included are informational attachments which are closely related to the meeting minutes.

B. Retention:

(1) Agency: 3 years.

(2) State Archives: Permanent.

12-303 Meeting Minutes (Non-Executive Levels)

A. Description: Used to document the meetings of agency staff below the agency director, deputy director, and division director levels. Meetings may also include non-agency attendees. Information includes agenda, location, date, list of attendees, attachments, and a summary of discussions and decisions.

B. Retention: 2 years; destroy.

12-304 Contracts

A. Description: Used to document the contractual relationship between agencies and service providers. Information includes the contract with description of the services to be provided, dates of the contract, signatures, and correspondence.

B. Retention: 3 years after cancellation or expiration of the contract; destroy.

Administrative Files (Executive Levels)

A. Description: Document actions of an agency director, deputy director and division directors. Information includes memoranda and reports concerning agency policy, organizational and program development records, strategic plans/mission statements, non-routine fiscal data, personnel information and related notes. These records reflect administration of policy, coordination of agency functions, and management of program activity.

B. Retention:

- (1) Agency: 3 years after fiscal year. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

12-307 Administrative Reference Files (Non-Executive Levels)

A. Description: Routine office management files retained below the agency director, deputy director and division director levels. Included are memoranda, reports, printed matter, and other reference materials. Topics include: job activities, program material, general office information, professional associations, charitable affairs, parking for staff, disaster preparedness, and other related topics.

B. Retention: Until no longer needed for reference; destroy.

12-308 Administrative Regulation Background Files

A. Description: Used for the general operation of agency programs. Information includes regulations; instructions; other issuances that establish methods to administer an agency's mission, functions, and responsibilities; and other related information.

B. Retention:

- (1) Agency: Until superseded.
- (2) State Archives: Selection of needed documentation. Permanent.

Attorney General Opinions

A. Description: Official opinions issued by the Attorney General or his assistants. These are legal interpretations written upon request of an agency to guide in enforcing and obeying the law. Also included is related correspondence. The record copy of this series is scheduled for permanent retention by the State Archives through the Attorney General's office.

B. Retention: Until superseded and no longer needed for reference; destroy.

Deeds and Leases to State Property Files

A. Description: Document deeds and leases to real property owned or used by the state. Information includes description and location of the property, maps, sale agreements, land acquisition forms, deeds, lease agreements, and related correspondence. The record copies of deeds and leases are scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of General Services.

B. Retention: Until property is sold, disposed of, or relinquished, and is no longer needed for reference; destroy.

General Correspondence (Non-Executive Levels)

A. Description: Routine correspondence created or retained below the levels of agency director, deputy director and division director. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests.

B. Retention: Until no longer needed for reference; destroy.

Information Technology Plans

A. Description: Prepared by state agencies outlining their anticipated needs for information technology. Plans reflect information requirements, equipment needs, service specifications, cost, and technology purchase requests. The record copy of this series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Research and Statistics.

B. Retention: 3 years; destroy.

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Litigation Case Files

A. Description: Document judicial proceedings, which involve the agency. Files include some or all of the following documents: affidavits, summons and complaints, responses, orders of dismissals, notice and general appeal, laws and regulations applying to a particular case, legal briefs, transcripts of proceedings, orders, court decisions, and related information. Portions of this series are scheduled for permanent retention by the State Archives through the Attorney General's office. Court records in this series are also available in the court having jurisdiction over these cases.

B. Retention:

- (1) Agency: 6 years after the case is closed. Microfilm optional.
- (2) State Archives: Selection of needed documentation. Permanent.

12-323 Meeting Minutes (Boards and Commissions of State Agencies)

A. Description: Records of official proceedings of state agency governing bodies. Information includes agenda, date, place, list of attendees, and a summary of discussion and decisions. Official minutes also include all informational attachments such as reports, surveys, proposals, studies and charts distributed to members for discussion, and for use in making decisions on agency policy, planning and administrative matters.

B. Retention:

- (1) Agency: 3 years. Microfilm optional.
- (2) State Archives: Permanent.

Permanent Improvement Files

A. Description: Files concern construction of and permanent improvements to the agency's facilities. Information includes project proposal, capital improvement requests, authorizations to execute construction contracts, cost estimates, construction contracts, related memoranda, correspondence, blueprints, and specifications.

B. Retention:

- (1) Records created before 1980:
 - (a) Agency: Until completion of construction project and no longer needed for reference.
 - (b) State Archives: Selection of needed documentation. Permanent.
- (2) Records created in 1980 and later: Until completion of construction project and no longer needed for reference; destroy.

12-328 Property Inventories

A. Description: Itemized lists of fixed assets (except land and buildings) completed by state agencies. Information includes inventories of equipment, furniture, and other similar property.

B. Retention: 3 years; destroy.

12-330 Disaster/Emergency Preparedness and Recovery Plans

A. Description: Document the plans for protection and reestablishment of agency services and equipment in case of disaster. Information includes plan, procedures, checklists, and emergency phone numbers and addresses.

B. Retention: Until superseded by revised plan; destroy.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Document No. 2667

DEPARTMENT OF ARCHIVES AND HISTORY

CHAPTER 12

Statutory Authority: Section 30-1-90(B), Code of Laws of South Carolina
1976, as amended.

12-700 through 12-757 General Retention Schedule for State Financial Records.

Synopsis:

The General Assembly approved Regulation 12-700 through 12-757 (General Retention Schedule for State Financial Records) on June 25, 1993. The amendments will simplify the disposition process for state agencies; add new text and new series for records common to most state agencies; amend section concerning records which requires more appropriate retention period; and repeal portions of the regulation that are no longer appropriate.

12-700 Introduction and general matters; application of schedule.

New text indicates the general schedule covers information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process state agencies will use to destroy records through use of the general schedule is being simplified. Agencies will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state agencies to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process state agencies currently use when implementing schedules approved specifically for their agency. This change will allow agencies to use one form to report destruction through use of both general and specific schedules. The last sentence of this section is revised to accommodate changes in state agency affiliation with the Statewide Accounting and Reporting System.

12-701 through 12-704 Reserved for future use is being deleted so that four new series may be added. Series 12-701 through 12-704 are being added to make it easier for agencies to manage their records.

12-717. The retention is being changed to allow for the immediate transfer of general and subsidiary ledgers created in or before fiscal year 1980-81 to the State Archives.

12-721. Spelling error is being corrected in series title.

12-728 Savings Bond Deductions File is being deleted since payroll deduction records are filed centrally in agencies and savings bonds are processed through the Comptroller General's Office. 12-728 Emergency Procurement File is being added in its place to make it easier for agencies to manage these records.

Instructions:

Delete existing 12-700 and add new 12-700.

Delete existing 12-701 through 12-704 reserved for future use and add new 12-701 through 12-704.

Delete existing 12-717 and add new 12-717.

Delete existing 12-721 and add new 12-721.

Delete existing 12-728 and add new 12-728.

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Text:

Introduction and general matters; application of schedule.

The following general records retention schedule contains minimum retention periods for the official copy of the agency's records. These retentions and dispositions apply regardless of physical format, i. e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. Before disposing of public records under this general schedule, agencies must ensure that records have met all applicable federal and/or state audit, legal, litigation, fiscal and other retention requirements. To destroy records in accordance with this regulation, state agencies must complete and submit a report of records destroyed form to the State Archives after eligible records have been destroyed. This form is available from the Department's Division of Archives and Records Management. State agencies must also contact the Department of Archives and History in order to transfer permanent records to the State Archives for archival retention. This general schedule supersedes all schedules approved previously for the same records series. However, state agencies may opt out of this general schedule, and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary or in order to avoid conflict with other laws and regulations. This general schedule does not apply to higher education institutions and state agencies whose accounting and financial records are not summarized in the Statewide Accounting and Reporting System.

12-701 Reconciliations

A. Description: Used monthly to reconcile an agency's record of internal accounting balances with recorded accounting balances from the Comptroller General's Office and the State Treasurer's Office. Information includes cash, expenditure and revenue account balances by mini code, subfund and/or object code; Statewide Accounting and Reporting System data; cash, investment and debt account balances at the State Treasurer's Office, if applicable; an explanation of exceptions or discrepancies; and related information.

B. Retention: 3 years; destroy.

12-702 Schedule of Federal Financial Assistance

A. Description: Used annually to report the federal financial activity of a state agency to the State Auditor's Office. The State Auditor's Office uses this information to prepare the Statewide Schedule of Expenditure of Federal Awards. Information includes title of federal program or grant, project and phase code, grant number, starting fund balance, receipts, expenditures, other additions, other deductions and ending balance.

B. Retention: 3 years; destroy.

12-703 Sole Source Procurement File

A. Description: Used to document procurements made when there is only one source for the required supply, service or construction item. This file contains Justification for Sole Source Procurement, Record of Sole Source Contracts, and quarterly reports of procurement actions. Information includes type of procurement, the basis for sole source determination, the reason no other vendor is suitable, date, name of governmental body, authorized signature and title. Also included is the purchase order number, item description, commodity code, dollar amount, each contractor's name, the amount and type of each contract, and a listing of supplies, services, or construction procured under each contract. Copies of quarterly reports concerning procurement actions are scheduled to be retained for five years by the State Budget and Control Board's chief procurement officers.

B. Retention: 3 years, destroy.

12-704 Trade – In Document File

A. Description: Used to document trade – in sale transactions which reflect property that is traded – in as partial or full payment for an agency purchase. This file contains Request for Trade – In Document and Record of Trade – In Sales. Information includes agency's name, address, requestor's name, location of property, agency contact person for viewing property, indication whether trade- in is being applied to sole source and new

purchase. Also included are commodity code, description, purchase date, make, model – serial number, trade – in value, net cost, new item, purchase order number and related information.

B. Retention: 3 years, destroy.

12-717 General and Subsidiary Ledgers

A. Description: One or more series of computer or non-computer generated financial ledgers providing final year-to-date summary accounting data and a permanent audit trail for all fiscal receipt and disbursement transactions affecting any and all agency funds and accounts, including receipts and expenditures from all revenue sources, both public and private. Electronic records include annual accounting code data and computer system documentation needed to access accounting information. Since fiscal year 1981, accounting transactions have been captured in the Statewide Accounting and Reporting system of the Comptroller General's Office. Selected records generated by this centralized accounting and reporting system are scheduled to be retained permanently in the State Archives through the Comptroller General's Office.

Retention:

Ledgers created in or before fiscal year 1980-1981: State Archives: Permanent.

Ledgers created after fiscal year 1980-1981: 3 years, destroy.

Insurance Policies Files

A. Description: Document agency insurance policies and related correspondence and memoranda. Policies concern group hospital insurance, automobile liability, fire and extended coverage, and tort liability. Contents include endorsements from the Insurance Reserve Fund, renewals, changes, copies of policies, correspondence, information from insurance seminars and a listing of office contents and their values.

Retention: Until no longer needed for reference; destroy.

12-728 Emergency Procurement File

A. Description: Used to document the purchase of authorized emergency procurements. This file contains a Justification for Emergency Procurement, a Record of Emergency Contracts, and quarterly reports of procurement actions. Information includes type of emergency procurement, name of vendor, the basis for the emergency determination, date, the reason no other vendor is suitable, name of governmental body, and authorized signature. Also included are purchase order number, date, item description, commodity code and dollar amount, each contractor's name, the amount and type of each contract, and a listing of supplies, services, or construction procured under each contract. Copies of quarterly reports concerning procurement actions are scheduled to be retained for five years by the State Budget and Control Board's chief procurement officers.

B. Retention: 3 years, destroy.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

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Document No. 2723
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory authority: 1976 Code Section 47-4-30 and 47-17-130

R.27-1023 State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on November 23, 2001.

Instructions:

Replace R27-1023 with the following amendment.

Text:

R.27-1023 State Meat Inspection Regulation

A. Definitions.

1. *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
2. *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.
3. *Custom Processor* means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-320, 325, 329, 335,352 and 354, and Subchapter E, Parts 416-417, 424 and 500 and all changes thereto in effect as of January 1, 2002 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.
2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.
3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.
6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Legislative Library or at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Document No. 2724

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

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

R 27-1022 State Poultry Regulations

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on November 23, 2001.

Instructions:

Add R27-1022 to the regulations

Text:

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R.27-1022 – State Poultry Inspection Regulation

A. Definitions.

1. *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
2. *Director* means the Director, Livestock-Poultry Health Commission, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424 and 500 and all changes thereto in effect as of January 1, 2002 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

- (1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.
- (2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
- (3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.
- (4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review in the Legislative Library or at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 2566
BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1, 3, and 6), 59-30-10(F) (1990),
and 59-39-100 (Supp. 2000)

Synopsis:

Regulation 43-259 specifies graduation requirements. This regulation sets out units required for a state high school diploma, provisions for granting course credit, exit examination requirements, General Educational Development (GED) equivalency diploma requirements, GED testing, and adult education diploma requirements. This regulation incorporates amendments reflecting the General Assembly's repeal of the STAR diploma, additional provisions for granting high school and adult education program course credit, and editing to provide additional clarity. In addition, specific exit examination requirements were deleted from Regulation 43-259, Graduation Requirements, and will be included in Regulation 43-262, Assessment Programs.

Instructions: Regulation 43-259, Graduation Requirements, is amended, replaced in its entirety, and should read as follows:

Text:

43-259. Graduation Requirements

A. The State High School Diploma (Grades 9–12)

1. Requirements

a. To qualify for a state high school diploma, any student who enrolled for the first time in a ninth-grade class of school year 1997–98 and thereafter must earn a total of twenty-four units of credit in state-approved courses distributed as follows:

Unit Requirements	
English/language arts	4.0
Mathematics	4.0
Science	3.0
U.S. History and Constitution	1.0
Economics	0.5
U.S. Government	0.5
Other social studies	1.0
Physical education or Junior ROTC	1.0
Computer science (including keyboarding) ¹	1.0
Foreign language ² or	
Career and Technology Education ²	1.0
Electives	<u>7.0</u>
Total ³	24.0

b. A student first enrolled in the ninth grade prior to the 1997–98 school year is eligible to receive a twenty-unit state high school diploma if all prescribed unit and exit examination requirements are met. The twenty units of credit are distributed as follows:

Unit Requirements	
English/language arts	4.0
Mathematics	3.0
Science	2.0
U.S. History and Constitution	1.0
Economics	0.5
U.S. Government	0.5
Other social studies	1.0
Physical education or Junior ROTC	1.0
Electives ⁴	<u>7.0</u>
Total ³	20.0

c. In order to receive a state high school diploma, the student must complete a study of and pass an examination on the provisions and principles of the United States Constitution, the Declaration of Independence, the *Federalist* papers, and American institutions and ideals. This instruction shall be given for a period of at least one year or its equivalent either within the required U.S. History course or within another course using a suitable text recommended by the State Department of Education and prescribed by the State Superintendent of Education for approval by the State Board of Education.

d. In order to receive a state high school diploma, the student must have attended the accredited high school issuing the diploma for at least the semester immediately preceding graduation, except in the case of a

¹ For all Business and Marketing computer courses, Keyboarding for a half-credit or the equivalent keyboarding skill based on the Keyboarding course competencies is a prerequisite.

² To meet the state high school diploma requirements, for students in a college preparatory program, a student earn one unit in a foreign language (most four-year colleges/universities require at least two units of the same foreign language); and students in a technology preparation program, must earn one unit in Career and Technology Education.

³ The student must demonstrate computer literacy before graduation.

⁴ Most four-year colleges/universities require at least two units in the same foreign language.

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bona fide change of residence to a location where the sending school will not grant the diploma. Units earned in a summer school program do not satisfy this requirement.

e. A student may transfer credit earned in the adult education program to a secondary school to count toward the units of credit required for a state high school diploma, if for each unit being transferred a minimum of one hundred twenty hours has been spent in class time in that subject at that level and the teacher was properly certified to teach the course.

f. No student shall be allowed to apply to the units required for a state high school diploma more than six units earned in summer school, and/or through approved correspondence courses, and/or through adult education programs.

g. In order to receive a state high school diploma, a student must—in addition to passing the required courses—pass the South Carolina High School Exit Examination. For the specific regulation relating to the exit examination, see State Board of Education Regulation 43-262, Assessment Programs.

2. Provisions for Granting High School Credit

a. Adult Education: High school credit earned in an approved adult education program may be used to meet regular high school graduation requirements if (1) a minimum of one hundred twenty hours of attendance has been completed for each unit being transferred and (2) the teacher providing the instruction is properly certified to teach the course. Written approval for exceptions to this standard must be requested by the high school principal and approved by the director of the Office of School Quality.

b. Credit shall be accepted when official transcripts are received from schools that are accredited by a state or by the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and Schools. Credit from nonaccredited schools must be validated by standardized examinations by the local administrator to evaluate prior academic work and/or the student may be given a tentative assignment in classes for a probationary period.

c. Credit for distance learning/correspondence courses may be allowed when approved specifically by the local superintendent or his or her designee.

d. Students enrolled in grades nine through twelve or an adult education program may earn college course credit that can be applied to the twenty-four units required for a state high school diploma. The acceptance of credits for college course work shall be subject to the following conditions:

(1) Local school boards may allow students to take college courses for Carnegie units of credit. Courses may be offered through distance learning and cooperative agreements with institutions of higher education.

(2) A three-semester-hour college course shall transfer as one-half Carnegie unit.

(3) Only courses applicable to baccalaureate degrees or to associate degrees in arts or in science offered by institutions in the State that are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools may be accepted for Carnegie units of credit.

(4) Tuition and other college course fees shall be the expense of the individual student or his or her parent(s) or legal guardian, unless otherwise specified in local school district policy.

3. Special Education Minimum Curriculum

Students who complete a program of prescribed special education shall be awarded a state high school diploma, a state certificate, or a certificate designed and issued by the school district. If a determination has been made that a student with a disability shall pursue credits toward a state high school diploma, the following two alternatives apply:

Alternative 1. Credits toward a state high school diploma may be awarded only by persons who are certified in or who hold out-of-field permits in the subject in which credit is earned. A student with a disability receiving such credits shall do so only after successfully attaining similar course objectives prescribed for nondisabled students and in accordance with cooperative instructional arrangements between regular education and special education as set forth in the student's Individualized Education Program.

Alternative 2. Beginning with the ninth-grade class of 1997–98 and thereafter, a student properly in membership in programs for students with disabilities may receive a state high school diploma provided he or she earns a total of at least twenty-four units, seventeen of which are the same required of nondisabled students; seven of the twenty-four units may be earned in special education.¹ When an elective credit is to be issued in any category of disability, the competencies and criteria for successful completion must be specified in the Individualized Education Program.

B. The State High School Equivalency Diploma

The State Board of Education recognizes the high school–level General Educational Development (GED) Test battery and shall issue a state high school equivalency diploma to eligible candidates who successfully complete the tests. The State Board of Education authorizes the administration of the GED Tests by the State Department of Education under policies established by the State Board of Education and the Commission on Educational Credit and Credentials (American Council on Education) and procedures established by the GED Testing Service, Washington, DC.

1. Eligibility Requirements for Equivalency Diploma Candidates

a. Service Personnel and Veterans

To be eligible for a state high school equivalency diploma, the candidate must be

(1) either a resident of South Carolina or a former resident whose most recent elementary or secondary school attendance was in South Carolina, and

(2) seventeen years of age or older.

b. General Adult Population

To be eligible for a state high school equivalency diploma, the candidate must be

¹ A teacher of disabled pupils in the resource or itinerant model shall be certified or have a permit in the area of disability in which the majority of his or her students are classified, or such a teacher must be certified in one area of disability in which he or she is teaching and must successfully complete six semester hours annually toward certification in the area in which the majority of his or her students are classified. Pupils participating in self-contained programs shall be of the same category of disability except when the IEP team determines, on an individual basis, that a student may be more appropriately served in another placement and approval for an innovative program must be sought from the Office of School Quality. Students classified as having a mental disability (mild, moderate, or severe) may not be commingled without an innovative program approval. The teacher must be certified or hold an out-of-field permit in the area of disability of the majority of the pupils served.

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(1) either a resident of South Carolina or a former resident whose most recent elementary or secondary school attendance was in South Carolina, and

(2) seventeen years of age or older and not enrolled in high school.

A person seventeen or eighteen years of age shall submit a letter from the principal of the last school he or she attended or from the district superintendent over said school. The letter shall verify the candidate's date of birth and the date of his or her last attendance at the school. In the event that the last school attended was outside South Carolina, a person seventeen or eighteen years of age may submit a letter from an adult education coordinator or director verifying his or her date of birth and the date of last attendance in school. Verification by the adult education coordinator or director in this instance shall be based upon inspection of transcript records. Verification letters shall be forwarded to the Chief Examiner, GED Testing Office, Office of Adult and Community Education, State Department of Education, Rutledge Building, Columbia, South Carolina 29201.

Testing of enrolled high school youth who are at risk of school failure and will not graduate until after their normal age-level peers may be permitted under guidelines approved by the State Board of Education and the Commission on Educational Credit and Credentials, American Council on Education.

c. Special-Needs Exception for Sixteen-Year-Old Juvenile Offenders, State Department of Juvenile Justice

(1) The juvenile must be at least sixteen years of age.

(2) The juvenile must be under the jurisdiction of the Family Court based on an adjudication of delinquent behavior and must be committed to a juvenile correctional institution or committed to participate in community-based alternative programs under the jurisdiction of the Department of Juvenile Justice.

(3) The Family Court must certify that it is in the best interest of the juvenile to be exempted from the public school compulsory attendance law.

(4) The student's attendance in public school or completion of community-based alternative program is not feasible upon release from a juvenile correctional institution due either to the necessity of immediate employment or to his or her immediate enrollment in postsecondary education.

(5) Prior to taking the GED Tests, the juvenile must be tested using the official GED practice tests and must score a minimum of 220.

2. Passing Score Requirements

a. Eligible candidates who were initial examinees before July 1, 1991, were awarded a state high school equivalency certificate if the candidate attained an average standard score of 45 or above for the five tests in the GED battery. The South Carolina high school equivalency certificate shall not be awarded after July 1, 1995.

b. Eligible candidates who were examinees after July 1, 1991, were awarded a state high school equivalency diploma if he or she attained a minimum-standard score of 35 on each of the five tests in the GED battery and an average standard score of 45 or above for the five tests.

c. Eligible candidates who are examinees after January 1, 1997, shall be awarded a state high school equivalency diploma if he or she attains a minimum-standard score of 40 on each of the five tests in the GED battery and an average standard score of 45 or above for the five tests.

3. Testing and Credential Application Procedures

a. GED Testing in South Carolina

(1) The GED Tests may be scheduled and administered at adult education centers, technical education centers, and other locations approved by the Director, Office of Adult and Community Education, State Department of Education.

(2) Eligible candidates to be tested in South Carolina must submit an application to the GED Testing Office, State Department of Education, or its designee, and pay the required fee set by the State Department of Education for the testing service and credential.

(3) Score reports shall be provided to initial examinees only after their completion of all five tests in the GED Test battery.

(4) Retesting of examinees who do not pass the GED Tests shall be conducted as follows:

(a) Candidates who have attained a total combined score below 215 on prior administrations must retake the full battery of five tests.

(b) Candidates who have attained a total combined score of 215 or higher on prior administrations may be permitted a partial administration of one or more tests.

(c) No more than three testing sessions (either initial or retesting sessions) may be scheduled for a candidate within any twelve-month period.

(d) Before an application for a second or subsequent retesting session is approved, either a waiting period of six months from the last retesting must elapse or such application must be accompanied by a letter of recommendation from an adult education coordinator or director certifying that the GED candidate has completed a course of instruction since his or her last retesting and has demonstrated readiness on the GED pretest.

(5) Nonresident individuals who are living temporarily in South Carolina may be permitted to take the GED Tests in South Carolina if such individuals meet minimum age requirements and are not enrolled in high school. Nonresident individuals shall not be awarded a state high school equivalency diploma unless their most recent elementary or secondary school of attendance was in South Carolina. Nonresidents must submit an application for testing services to the GED Testing Office, State Department of Education and pay the required fee set by the State Department of Education to cover the full costs of the testing and the score report.

(6) The Department of Education may offer the Spanish version of the GED Tests. A score report will be issued upon the student's completion of the five subtests. The South Carolina high school equivalency diploma will not be issued based on the Spanish version of the GED Tests.

b. GED Testing Outside South Carolina

Eligible candidates tested outside South Carolina must submit a diploma application to the GED Testing Office, State Department of Education and pay the required fee to cover the costs of the

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diploma. Such applicants shall arrange for transcripts (score reports) to be sent directly to the Chief Examiner, GED Testing Office, State Department of Education. Transcripts will be accepted as official only when reported directly to the Department of Education by (a) official GED Testing Centers, (b) the Transcript Service of the Defense Activity for Nontraditional Education Support (DANTES), or (c) the GED Testing Service, Washington, DC. Eligible candidates who are tested outside of South Carolina must meet the State's passing score requirements in order to receive a state high school equivalency diploma.

C. Adult Education: High School Diploma Program

1. Requirements

The number of units shall be consistent with the requirements prescribed by the State Board of Education for adults to complete the requirements for a state high school diploma.

a. A student first enrolled in adult education on or after July 1, 2000, must earn a total of twenty-four prescribed units of credit and pass the exit examination to earn a state high school diploma. The twenty-four units of credit are distributed as follows:

Unit Requirements

English/language arts	4.0
Mathematics	4.0
Science	3.0
U.S. History and Constitution	1.0
Economics	0.5
U.S. Government	0.5
Other social studies	1.0
Computer science (including keyboarding)	1.0
Electives	<u>9.0</u>
Total ¹	24.0

b. A student first enrolled in adult education on or before June 30, 2000, is eligible to receive a twenty-unit state high school diploma provided all prescribed unit and exit examination requirements are met on or before June 30, 2001. The twenty units of credit are distributed as follows:

Unit Requirements

English/language arts	4.0
Mathematics	3.0
Science	2.0
U.S. History and Constitution	1.0
Economics	0.5
U.S. Government	0.5
Other social studies	1.0
Electives	<u>8.0</u>
Total ¹	20.0

¹ The student must demonstrate computer literacy before graduation.

c. Class time may be waived only when objective evidence of subject matter attainment has been demonstrated by an acceptable performance on a state-approved, subject-matter examination. Credit granted by objective evidence must be approved by the principal of the high school and the director of the adult education program awarding the diploma. A copy of the test results with information as to the date of the examination, the name and form of the state-approved, subject matter examination, the name of the examiner, and the principal's signature of approval must be filed in the school records for the adult.

d. Membership in an adult education program shall be limited to individuals who are eighteen years of age or over and have left the elementary or secondary school, except when the local school board assigns students of less than eighteen years of age who are not officially in membership in a regular school. These students may be assigned to an adult education program when they exhibit either an unusual educational need or physical, social, or economic problems that can be served more effectively by the adult education program. No student under the age of sixteen may be assigned to the adult education program for any reason.

e. No student shall be graduated from the adult education program prior to the time that he or she would have graduated from a regular high school unless written approval is granted by the high school principal and the Office of Adult and Community Education at the State Department of Education. A semester shall be completed in residence (*i.e.*, through actual attendance in the adult education program) as a prerequisite for a student to be eligible for a state high school diploma. This semester in residence is a prerequisite for the state high school diploma and may not be waived. For the purposes of adult education programs, a semester in residence is defined as follows: a student who enters an adult education program needing one or more high school units of credit to graduate must earn at least one unit through attendance (minimum of sixty hours). A student who enters an adult education program needing only one-half unit to graduate must earn that unit through attendance (minimum of thirty hours). A student who enters an adult education program needing only to pass one or more subtests of the exit examination must attend a minimum of twelve hours. A student may not earn a state high school diploma through an adult education program solely by taking state-approved, subject-matter examinations, or receiving credit for occupational training and experiences, and/or correspondence courses.

f. A student may not earn more than eight units of credit through one or a combination of the following methods: (a) passing a state-approved, subject-matter examination (maximum six units of credit allowed), (b) participating in occupational training and similar experiences (maximum six units of credit allowed), and (c) passing approved correspondence courses.

2. Provisions for Granting Course Credit

a. Course credit shall be accepted when official transcripts are received from schools that are accredited by a state or by the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and Schools.

b. Credit for correspondence courses shall be accepted from the extension divisions of South Carolina colleges and universities and/or the United States Armed Forces Institute. Credit for courses completed through correspondence with other institutions may be accepted when the quality of the work completed is validated by a subject-matter examination. Credit from institutions not accredited by the State Board of Education or by the New England Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the Southern Association of Colleges and Schools, the North Central Association of Colleges and Schools, the Western Association of Colleges and Schools, or the Northwest Association of Colleges and Schools shall be validated by subject-matter examination or tentative assignment of students in classes for a probationary period.

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c. Credit for occupational courses shall be granted on the basis of the following criteria: (a) classes meeting for one hundred twenty or more hours may carry one unit of credit, (b) classes meeting for two hundred forty hours may carry two units of credit, and (c) the hour requirements may be shortened by demonstrated proficiency of the adult student. Trade tests may be part of the evaluative process in granting credit.

d. Credit for occupational training and experience: In the determination of units of credit to be allowed for the educational aspects of occupational training and work experience, the local administrator may request a maximum of six units of credit, provided the student establishes that he or she has had formal training (through trade school, apprenticeship, special programs or course work, and so on) plus at least two years of successful experience verified by his or her employer in the occupation. The issuance of occupational and work experience credits shall be allowed only when the individual has satisfied the necessary academic requirements. The principal of the high school and the director of the adult education program awarding the diploma must recommend that credit be granted for occupational training and experience. The adult student seeking credit for occupational training and experience shall complete a required form stating his or her qualifications. The completed form shall be forwarded to the Office of Adult and Community Education at the State Department of Education and, if approved, shall become a part of the adult student's official school record. (Form AE-Vo. 1, "Evaluation of Occupational Training and Experience for Granting High School Credit in Adult Education" shall be provided by the Office of Adult and Community Education.)

e. Credit earned in an adult education learning laboratory may be granted only by a teacher certified in the area in which credit is to be awarded or via a satisfactory score on a state-approved, subject-matter examination.

3. Approved Programs and Granting of Credit: No credit toward a state high school diploma will be granted to any adult education student unless the program has been officially approved in writing by the Office of Adult and Community Education and the Office of School Quality at the State Department of Education. In instances where programs do not meet the minimum length of time, no credit shall be granted to any student in the high school completion program, unless course credit is validated by state-approved examination. Program related requirements include, but are not limited to, the following:

a. Each district shall provide properly certified administrative, teaching, and supervisory staff for the adult education program. Staff members may be either full-time or part-time, according to the size of the program.

b. Each director employed on or after July 1, 1976, shall either be certified in one of the acceptable areas of certification for an adult education supervisor or hold an advanced degree in the field of adult education and a South Carolina teaching certificate.

c. Each adult education program shall have a director (full or part-time).

d. Each center or program supervisor or coordinator shall meet the same qualifications for certification and dates of employment as set forth in item 2, preceding, for program directors or have a master's degree with certification in the field of guidance.

e. Each adult basic education teacher shall hold at least the bachelor's degree or degree equivalent.

f. Each adult basic education teacher employed on or after July 1, 1976, must either be certified as an elementary teacher or hold at least a bachelor's degree or degree equivalent and have earned eighteen hours in methods, strategies, materials, and/or psychology of teaching adults.

g. Each adult high school subject area teacher shall be certified to teach the subjects assigned.

h. Each adult learning laboratory instructor shall hold at least a bachelor's degree or degree equivalent and either be certified as an elementary or secondary teacher or have earned at least eighteen hours in methods, strategies, materials, and/or psychology of teaching adults.

i. Any staff member who is assigned duties in areas for which he or she is not properly certified must (a) hold a valid teaching credential, (b) have completed twelve semester hours of credit in the area assigned, and (c) obtain an out-of-field permit from the Office of Teacher Education and Certification at the State Department of Education. The staff member must earn six semester hours toward proper certification each year for renewal of the out-of-field permit.

j. A student must attend class a minimum of sixty hours to receive consideration for a high school unit of credit and thirty hours for consideration for one-half unit of credit in a course. Any work missed in the high school completion program must be made up. This requirement does not apply to instances in which credit has been validated by means of state-approved examination.

k. The maximum student membership in an adult education class shall be thirty students per teacher.

l. Innovative programs will be reported to the Office of Adult and Community Education at the State Department of Education when the waiving of certain established standards is necessary for experimentation. Requests for prior approval shall be made to the Office of Adult and Community Education and approved by the Office of School Quality at the State Department of Education.

m. An accurate record of the attendance and achievements of each student shall be kept and should be stored in locked, fireproof filing cabinets, vaults, or a secure database with backup copies.

n. Students enrolled in the high school completion program shall have access to school library facilities.

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

Document No. 2518

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-250, 44-7-260(A), and 1-23-120(I)

R.61-16, Standards for Licensing Hospitals and Institutional General Infirmaries

Synopsis:

The Department proposes to revise Sections 607 through 610 of Regulation 61-16 in entirety. These sections of Regulation 61-16 establish the licensing standards for perinatal services in South Carolina hospitals. This revision will update standards to reflect current practice and will result in more consistency with national standards. The revision will specifically create a Level II Enhanced facility designation.

Discussion of Revisions:

SECTION 607 describes the specific requirements for designations of those hospitals which provide perinatal services and the requirement for documented relationships with regional perinatal centers.

SECTION 608 describes specific personnel requirements of each level of perinatal hospital and that these substantially meet the recommendations outlined in the *Guidelines for Perinatal Care, fourth edition*.

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SECTION 609 requires that physical facilities, obstetrical and neonatal care, neonatal resuscitation, and inter-hospital transport of patients meet the recommendations outlined in national guidelines.

SECTION 610 describes the requirements for policies and procedures regarding the evaluation of perinatal care.

Instructions:

Replace Sections 607 through 610 of Regulation 61-16 in entirety by this amendment.

Text:

SECTIONS 61-16.607 THROUGH 610:

SECTION 607. ORGANIZATION (II)

A. Each hospital providing perinatal services shall be designated as a Level I, II, II Enhanced (IIE), III perinatal hospital, or regional perinatal center (RPC) by the Department, and shall request such designation by letter to the Department. The Department shall include such designation on the face of the license when the requesting hospital meets the requirements specified below. Such determination shall be made by the Department based upon a hospital's ability to meet regulatory requirements to be determined by a special inspection by the Department following the initial request for designation and as an integral part of subsequent license renewal procedures.

B. Each Level I, II, IIE, and III hospital shall maintain and document a relationship with its designated RPC for consultation, transport and continuing education. All patients shall be transferred to the appropriate RPC when medically appropriate, if beds are available. This agreement/relationship shall include the ability to share data, as appropriate, related to these functions.

607.1. Intrapartum: Labor and Delivery Process (II)

Labor and delivery shall occur in a hospital capable of meeting the expected needs of both the mother and the neonate. Ongoing risk assessment shall occur to determine the appropriate level of care.

607.2. Designation of Inpatient Perinatal Care Services (I)

A. Community Perinatal Center (Level I). Provides services for uncomplicated deliveries and normal neonates. The hospital shall have the capability to manage normal pregnant women and uncomplicated labor and delivery of neonates who are at least 36 weeks of gestation with an anticipated birth weight of greater than 2000 grams. When it is anticipated or determined that these criteria will not be or have not been met, consultation and a plan of care shall be initiated and mutually agreed upon with the RPC. Hospitals must be able to manage a perinatal patient with acute or potentially life-threatening problems while preparing for immediate transfer to a higher level hospital. Management shall include emergency resuscitation and/or stabilization for both maternal and neonatal patients in preparation for transfer/transport for more specialized services. Hospitals at this level shall not provide care or services which are designated only for higher level hospitals.

B. Specialty Perinatal Center (Level II). In addition to Level I requirements, provides services for both normal and selected high-risk obstetrical and neonatal patients. This level of neonatal care includes the management of neonates who are at least 32 weeks of gestation with an anticipated birth weight of at least 1500 grams. A board-eligible pediatrician shall be in the hospital or on site within 30 minutes, 24 hours a day. The hospital shall have at least a written consultative agreement with a board-eligible neonatologist. Neonates shall be without acute distress or complex management requirements and shall not be in need of ventilatory support for more than six cumulative hours. Neonates shall not require high-frequency ventilation support. When it is

anticipated or determined that these criteria will not be or have not been met, a plan of care will be developed in consultation with the RPC and documented in the patient's medical record. These hospitals shall manage no less than an average of 500 deliveries annually, calculated over the previous three years. This calculation shall include the number of maternal transfers made prior to delivery to higher level perinatal hospitals. A Level II hospital shall not admit outborn neonates into its nursery without prior concurrence with the RPC. Hospitals at this level shall not provide care or services which are designated only for higher level hospitals.

C. Enhanced Perinatal Center (Level IIE). In addition to Level II requirements, provides services for both normal and selected high-risk obstetrical and neonatal patients. Level IIE hospitals may be located only in areas of the state which are no closer than 60 miles from a South Carolina Regional Perinatal Center. This level of neonatal care includes the management of neonates who are at least 30 weeks of gestation with an anticipated birth weight of at least 1250 grams, as determined by estimations based upon best professional judgement, ultrasound, and/or other available medical technology and instruments. A board-eligible neonatologist shall be in the hospital or on site within 30 minutes, 24 hours a day. Neonates shall not be in need of ventilatory support for more than 24 cumulative hours. When it is anticipated or determined that any of the preceding criteria relating to gestation, weight and length of ventilatory support will not be or have not been met, the neonate may remain at the Level IIE facility, pursuant to a plan of care developed in consultation with, and agreement to by, the RPC. Such plan of care shall be documented in the patient's medical record. Neonates shall not require high-frequency ventilation support. These hospitals shall manage no less than an average of 1200 deliveries annually, calculated over the previous three years. This calculation shall include the number of maternal transfers made prior to delivery to higher level perinatal hospitals. A Level IIE hospital shall not admit outborn neonates into its nursery without prior concurrence with the RPC. Hospitals at this level shall not provide care or services which are designated only for higher level hospitals.

D. Subspecialty Perinatal Center (Level III). In addition to Level IIE requirements, provides all aspects of perinatal care, including intensive care and a range of continuously available subspecialty consultation as recommended in the fourth edition of the *Guidelines for Perinatal Care (GPC)* by the American Academy of Pediatrics (AAP) and The American College of Obstetricians and Gynecologists. A board-eligible neonatologist shall be in the hospital or on site within 30 minutes, 24 hours a day. A board-certified maternal-fetal medicine specialist (perinatologist) shall be available for supervision and consultation, 24 hours a day. In addition to the Level II and IIE capabilities, Level III hospitals shall have the staffing and technical capability to manage high-risk obstetric and complex neonatal patients, including neonates requiring prolonged ventilatory support, surgical intervention, or 24-hour availability of multispecialty management. Hospitals with Level III designation shall manage no less than an average of 1500 deliveries annually, calculated over the previous three years, or at least an average of 125 neonate admissions who weigh less than 1500 grams each, require ventilatory support, or require surgery. This calculation shall include the number of maternal transfers made prior to delivery to higher level perinatal hospitals. Hospitals at this level shall not provide additional care or services designated only for RPC's.

E. Regional Perinatal Center (RPC). In addition to the Level III requirements for management of high-risk obstetric and complex neonatal conditions, the RPC shall provide consultative, outreach, and support services to Level I, II, IIE and III hospitals in the region. The RPC shall manage no less than an average of 2000 deliveries annually, calculated over the previous three years, or at least an average of 250 neonate admissions who weigh less than 1500 grams each, require ventilatory support, or require surgery. Personnel qualified to manage obstetric or neonatal emergencies shall be in-house. A board-certified maternal-fetal medicine specialist (perinatologist) shall be in the hospital or on site within 30 minutes for supervision and consultation, 24 hours a day. The RPC shall participate in residency programs for obstetrics, pediatrics, and/or family practice. Continuing education and outreach education programs shall be available to all referring hospitals, and physician-to-physician consultation shall be available 24 hours a day. The RPC shall provide a perinatal transport system that operates 24 hours a day, seven days a week, and return transports neonates to lower level perinatal hospitals when the neonates' condition and care requirements are within the capability of those hospitals.

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SECTION 608. PERSONNEL (I)

608.1. Support Services

Detailed components of support services and medical, nursing and ancillary staffing for each level shall meet the recommendations outlined in the fourth edition of the *Guidelines for Perinatal Care, fourth edition*.

608.2. Medical Specialists

The following medical specialists and subspecialists shall have medical staff credentials and/or written consultative agreements as follows:

A. Level I

1. Membership: physician designated as physician-in-charge of obstetric services, physician designated for supervision of newborn care, anesthesia personnel with credentials to administer obstetric anesthesia available within 30 minutes, 24-hours a day, one person capable of initiating neonatal resuscitation available at every delivery.
2. Consultation: obstetrician, pediatrician, surgeon.

B. Level II, in addition to Level I requirements:

1. Membership: general surgeon, pathologist, radiologist, obstetrician, pediatrician, and anesthesiologist;
2. Consultation: maternal-fetal medicine specialist, neonatologist, and pediatric surgeon.

C. Level IIE, in addition to Level II requirements:

1. Membership: board-certified neonatologist designated as physician-in-charge of neonatal services, cardiologist, urologist, neurosurgeon, and hematologist;
2. Consultation: cardiac surgeon, medical geneticist, pediatric cardiologist, pediatric radiologist, obstetrician or radiologist with special interest and competence in maternal disease and its complications, endocrinologist, pediatric neurologist, and pulmonologist.

D. Level III and RPC, in addition to Level IIE requirements:

1. Membership: maternal-fetal medicine specialist, obstetrician or radiologist with special interest and competence in maternal disease and its complications, pediatric radiologist, anesthesiologist with perinatal training and/or experience; pathologists with special competence in placental, fetal, and neonatal disease, and pediatric surgeon;
2. Consultation: pediatric subspecialists in hematology, medical genetics, endocrinology, nephrology, gastroenterology, infectious diseases, pulmonology, immunology, and pharmacology. Pediatric surgical subspecialists, to include cardiovascular, neurosurgery, orthopedics, ophthalmology, urology and otolaryngology.

608.3. Neonatal Intensive Care Nurse Staffing

Neonatal intensive care nurse staffing is required if any of the following conditions exist:

- A. Any advanced support therapy, e.g., extracorporeal membrane oxygenation, nitric oxide, high frequency ventilation, peritoneal dialysis;
- B. Acute pre- or post-operative surgical conditions, except for minor surgical procedures such as inguinal hernia repair;
- C. Ventilatory support required for more than six cumulative hours duration (with the exception of do-not-resuscitate situations and chronic ventilator-dependent conditions);
- D. Less than 32 weeks of gestation and less than 1500 grams on the first day of life;
- E. Chest tubes required;
- F. Cardio-pulmonary resuscitation required in the previous 24 hours;
- G. Vital signs required every hour or more frequently;
- H. Three or more intravenous sites required;
- I. Pressor agent (excluding initial stabilization) or inotropic support required, e.g., dopamine (doses for renal perfusion maintenance excluded);
- J. Complex diagnostic/assessment support required;
- K. Evidence of seizure activity/unstable neurologic status.

SECTION 609. GENERAL FACILITY AND CARE REQUIREMENTS

609.1. Physical Facilities (II)

Environment, equipment, supplies, and procedures utilized in the care of perinatal patients shall meet the recommendations outlined in the fourth edition of the GPC.

609.2. Obstetrical Care (II)

In each hospital providing obstetrical services, written policies and procedures shall be established and implemented through cooperative efforts of the medical and nursing staffs. These policies and procedures shall outline the process, providers, and methods of providing risk-appropriate care to the obstetrical patient, and shall include, but not be limited to:

- A. Admission criteria and documentation;
- B. Preterm labor;
- C. Maternal transfer to another hospital;
- D. Induction and augmentation;
- E. Analgesia and anesthesia;
- F. Labor process;
- G. Capability to perform cesarean delivery within 30 minutes of the decision to do so;

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H. Immediate neonatal care/resuscitation;

I. Recovery room care;

J. Postpartum care.

609.3. Neonatal Care (II)

Specific policies and procedures for the care of the neonate shall follow the recommendations outlined in the fourth edition of the GPC.

609.4. Neonatal Resuscitation (I)

A. Personnel, equipment, supplies, and medications as recommended by the 2000 edition of the American Heart Association and *AAP Textbook of Neonatal Resuscitation* shall be readily available in every hospital providing perinatal services.

B. In order to meet the potential need for resuscitation of every neonate, at least one person who has a current provider-designation, as defined by completion of the AAP Neonatal Resuscitation Program, shall be on site.

C. Personnel trained and qualified to perform neonatal resuscitation must be immediately available and not responding from an area removed from the delivery or nursery area.

D. Equipment, supplies, and medications for neonatal resuscitation must be immediately available to the delivery and nursery areas at all times.

609.5. Inter-hospital Care of the Perinatal Patient (Transport) (II)

Each hospital providing perinatal services shall establish and implement a written plan which outlines the process, providers, and methods of providing risk-appropriate stabilization and transport of any high-risk perinatal patient requiring specialized services. This plan shall be updated in conjunction with the designated RPC on an annual basis, and shall include, but not be limited to, procedures outlining:

1. Communication between referring hospitals and the RPC, transport teams and medical control, and perinatal providers and families;
2. Indications for both acute phase and return transport between perinatal hospitals, to include essential contact persons and telephone numbers for referral and transport;
3. A list of all medical record copies and additional materials to accompany each patient in transport.

B. Equipment, supplies, and procedures used in preparation and support of transport of maternal patients shall be based upon the fourth edition of the GPC. Equipment, supplies, and procedures used in the transport of a neonate shall be based upon the 1999 edition of the *AAP Guidelines for Air and Ground Transport of Neonatal and Pediatric Patients*.

SECTION 610. EVALUATION OF PERINATAL CARE (II)

A. Review of maternal and neonate mortality and morbidity shall be conducted at least every three months by the medical staff or designated committee, regardless of the size or designation of the perinatal service. A perinatal mortality and morbidity review committee composed of representatives from the pediatric, obstetrical, and nursing staffs, with additional participation from other professionals, depending upon the cases to be reviewed, shall be established at Levels II, IIE, and III, and RPC's.

B. In all perinatal centers, selected case reviews shall include, but not be limited to:

1. Analysis of total perinatal mortality with identification of deaths attributable to various categories of complication;

2. Analysis of perinatal morbidity and related factors.

C. Each hospital providing perinatal services shall review all live births or fetal/neonatal deaths in which the neonate weighed less than 1500 grams, utilizing the Department's *Very Low Birthweight Self-monitoring Tool*. Each completed self-monitoring DHEC form shall be retained by the facility and a copy made available to the Department as specified in the self-monitoring tool.

D. Each event shall be evaluated for potential opportunities for intervention with the intervention and follow-up described, if applicable. Written minutes of committee meetings shall be maintained.

E. Each perinatal center shall annually review and document the findings from these case reviews with its designated RPC.

Fiscal Impact Statement:

Additional costs to the state and its political subdivisions are expected.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Regulation 61-16, Standards for Licensing Hospitals and Institutional General Infirmaries.

Purpose of Regulation Amendment: This amendment will revise/update the perinatal sections of the regulation in entirety. See Preamble above and Determination of Need and Reasonableness below.

Legal Authority: Sections 44-7-250, 44-7-260(A), and 1-23-120(I) of the S.C. Code.

Plan for Implementation: The proposed amendment will take effect upon publication in the *State Register* following approval by the General Assembly. The proposed amendment will be implemented by providing the regulated community with copies of the regulation. It will be enforced through inspections by the Department's Division of Health Licensing.

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

Regulation 61-16 was last amended in 1992. Section 1-23-120 of the S.C. Code (Administrative Procedures Act) requires state agencies to perform a review of its regulations every five years and update them if necessary.

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As a result of the review of this regulation, statutory mandates, and need to update the regulation specifically pertaining to perinatal care, the proposed amendment is needed and reasonable. The proposed amendment will revise/update the perinatal sections standards in entirety.

DETERMINATION OF COSTS AND BENEFITS: Additional costs to the state and its political subdivisions are expected. It is anticipated that there will be additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment. The revision will promote public health by updating standards related to perinatal care.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION AMENDMENT IS NOT IMPLEMENTED: If the revision is not implemented, clinical perinatal standards will be less consistent with current national standards resulting in continued difficulties related to compliance.

Document No. 2616

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

Statutory Authority: S.C. Code Sections 48-1-10 et seq. and 44-55-10 et seq.

R.61-71. Well Standards

Synopsis:

This amendment reformats and recodifies the existing regulation and incorporates recommendations made by an Advisory Committee which was organized to assist the Department in revising the regulations to bring them into conformance with current industry standards for well construction to better protect human health and the environment. Other changes include: allowing a high solids sodium bentonite grout as an option for grouting wells to allow better protection of the aquifer and homeowners' health, as well as reducing the potential for 'slumping' of the grout once placed into the annular space; requiring a sanitary seal to keep insects and other contaminants from entering individual residential wells; the construction of bored wells is specifically addressed, which includes additional protective construction standards over current requirements; construction requirements for the relatively new "direct push" technology for the installation of environmental monitoring wells have been added; violations and penalties are more specific.

Discussion of Revisions

All sections have been reformatted and recodified. Due to the extensive restructuring, the existing regulation is being replaced in entirety with the amended regulation.

SECTION CITATION

EXPLANATION OF CHANGE

Table of Contents	Section J was added to address Geothermal System Wells.
Section A	Broadened the scope by listing the different types of wells addressed in the regulation.
61-71.1&3	These sections were combined for clarity; and a reference to the Individual Residential and Irrigation Wells Permitting: R.61-44 was added.

61-71.2 Added new definitions for terms: “Annular Space,” “Borehole,” “Bored Well,” “Borehole Completion,” “Consolidated Formation or Material,” “Conventionally Installed Monitoring Well,” “Development,” “Direct Push Well,” “Environmental Soil Sampling Well,” “Exploration Boring,” “Geotechnical Boring,” “Geothermal System Well,” “Impervious Layer,” “Individual Residential Well,” “Irrigation Well,” “Piezometer,” “Sanitary Seal,” “Screen,” “Surface Water,” “Temporary Monitoring Well,” “Tremie,” “Unconsolidated Formation or Material,” and “Well Completion.” Modified existing definitions used: “Filter Pack,” “Monitoring Well,” and “Well.” Deleted definitions for “Potable Water Well” and “Water Well.”

61-71.4 Restated in R.61-71.C and expanded the discussion on variances to provide for equivalent protection of the groundwater resource and public health.

Added new section, R.61-71.D, to require a South Carolina certified well driller and that analytical data be provided by a South Carolina Certified Laboratory.

61-71.5.A Restated in R.61-71.E.1 and added a required minimum distance of five feet from property lines and buildings.

61-71.5.B Restated in R.61-71.E.2.

61-71.5.C Restated in R.61-71.E.3 and R.61-71.E.1(k).

61-71.6.A Restated in R.61-71.F.1 and R.61-71.G.1. Revised in R.61-71.H.1 to be more appropriate for monitoring wells.

61-71.6.B Restated in R.61-71.F.2, R.61-71.G.2, and R.61-71.H.2.a. Added high solids sodium bentonite as an acceptable grout material and provided requirements for wells shallower than twenty feet. Deleted the requirement for bored wells to be grouted within 24 hours.

61-71.6.C Restated in R.61-71.F.3.

61-71.6.D Restated in R.61-71.F.4 and R.61-71.G.3. Revised in R.61-71.H.1.c to reflect monitoring well requirements.

61-71.6.E Restated in R.61-71.F.5 and R.61-71.G.4.

61-71.6.F Restated in R.61-71.F.6 and R.61-71.G.5.

61-71.6.G Restated in R.61-71.F.7 and R.61-71.G.6.

61-71.6.H Restated in R.61-71.F.8, R.61-71.G.7, and R.61-71.H.2.c. In all three sections, the requirements for well yield, and static water level were deleted. The requirement for screened interval was deleted in R.61-71.F.8 and R.61-71.G.7, but retained in R.61-71.H.2.c.

61-71.7.A Restated in R.61-71.F.9.a, R.61-71.G.8, and R.61-71.H.2.b.

61-71.7.B Restated in R.61-71.F.9.b.

61-71.7.C Restated in R.61-71.F.10 and R.61-71.G.9; replaced the term “gravel pack” with “filter pack.” Replaced requirement for tremie pipe with performance standard for emplacement of filter pack.

61-71.7.C(4) Deleted requirement for maximum gravel pack thickness of three inches.

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Added new section, R.61-71.F.11, to provide for a sanitary seal.

Added new section, R.61-71.G.10, to provide for a sanitary cover.

61-71.8.A Restated in R.61-71.F.12 and R.61-71.G.11.

61-71.8.B Deleted requirement to retain formation cuttings.

61-71.8.C(1),
(3), & (4) Deleted.

61-71.8.C(2) Restated in R.61-71.F.12.b, R.61-71.G.11.b, and R.61-71.H.1.f.

61-71.8.D(1) Deleted; R.61-71.I.1 does not contain the reporting requirement.

61-71.8.D(2) Deleted; R.61-71.I.2 and R.61-71.I.3 contain the reporting requirement.

61-71.9 Restated in R.61-71.F.13.a and R.61-71.G.12. Added to both sections: "The well driller is responsible for ensuring wells are constructed in accordance with this regulation. Once the well driller has provided a properly constructed well to the well owner, the well driller is not responsible for normal wear of the well. The well owner is responsible for maintenance and operation of the well."

Added new section, R.61-71.F.13.c, to provide for a spigot at the wellhead.

R.61-71.10.A Restated in R.61-71.F.14.a and R.61-71.G.13.a.

R.61-71.10.B(1) Deleted; casing and screens are not being salvaged.

Added new sections, R.61-71.F.14.b and R.61-71.G.13.b, each stating, "Any well removed from service for longer than thirty-six months shall be permanently abandoned."

R.61-71.10.B(2) Restated in R.61-71.F.14.c, R.61-71.G.13.c and R.61-71.H.1.g.

R.61-71.10.B(3) Revised in R.61-71.F.14.e to read: "When an individual residential well or irrigation well is permanently abandoned, at a minimum, the well may be filled with either bentonite-cement, neat cement, 20% high solids bentonite grout, sand, or gravel to within twenty feet of the surface and the remainder shall be filled with neat cement, bentonite-cement, or 20% high solids bentonite grout."

R.61-71.10.B(4) Revised in R.61-71.G.13.e to read: "The bored well must be abandoned immediately upon being permanently taken out of service. The well may be filled with either bentonite-cement, neat cement, 20% high solids bentonite grout, sand, or gravel to within twenty feet of the surface and the remainder shall be filled with neat cement, bentonite-cement, 20% high solids bentonite grout, or compacted clay."

R.61-71.10.B(5) Revised in R.61-71.F.14.d to read, "Abandonment shall be by forced injection of grout or pouring through a tremie pipe starting at the bottom of the well or fill material and proceeding to the surface in one continuous operation.

Revised in R.61-71.G.13.d to read, "Abandonment shall be by forced injection of grout or pouring through a tremie pipe starting at the bottom of the well or fill material and proceeding to the surface in one continuous operation, unless compacted clay is used.

R.61-71.11.A(1) Restated in R.61-71.H.1.b.

R.61-71.11.A(2) Restated in R.61-71.H.1.c.

R.61-71.11.B Restated in R.61-71.H.1.a with the requirement for prior approval clarified and the information required on a monitoring well request provided. Additionally, if any of the information changes, the Department is to be notified 24 hours prior to construction.

R.61-71.11.C(1) Restated in R.61-71.H.2.b(1).

R.61-71.11.C(2) Revised in R.61-71.H.2.b (2) to read, "Casing shall have a sufficient diameter to provide access for sampling equipment."

R.61-71.11.C(3) Restated in R.61-71.H.2.a (4).

R.61-71.11.C(4) Revised in R.61-71.H.2.a (5) to read, "All monitoring wells shall be grouted from above the bentonite seal to the land surface."

R.61-71.11.C(5) Restated in R.61-71.H.2.b (4).

R.61-71.11.C(6) Revised in R.61-71.H.2.b (5) to read, "A locking cap or other security devices to prevent damage and/or vandalism shall be used."

R.61-71.11.C(7) Restated in R.61-71.H.1.e.

Added new section, R.61-71.H.3, to provide additional requirements for Direct Push Wells.

R.61-71.11.D Restated in R.61-71.H.4.

R.61-71.11.E(1) Restated in R.61-71.H.1.a.

R.61-71.11.E(2) Restated in R.61-71.H.1.f.

R.61-71.11.E(3) Restated in R.61-71.H.1.g

R.61-71.11.F Deleted.

R.61-71.11.G Deleted.

R.61-71.11.H Deleted.

Added new section, R.61-71.I, to address Boreholes which include Geotechnical Borings, Exploration Borings, and Environmental Soil Sampling Borings.

R.61-71.12 Revised in R.61-71.K.1 to read, "Violations of this regulation shall be subject to penalties as provided in Sections 48-1-320, 44-55-90 and 48-1-330 of the 1976 S. C. Code of Laws.

Added new section, R.61-71.K.2, for the Department to notify the driller of a violations and to provide for the violations being corrected within a specified time frame.

Added new section, R.61-71.K.3, to waive monetary penalties for violations beyond the driller's control.

Added new section, R.61-71.K.4, to provide for the Department issuing an order or action in court.

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Added new section, R.61-71.K.5, to provide for civil penalties or criminal prosecution if the violation is not corrected.

Added new section, R.61-71.K.6, allowing the Department access to the driller's bond.

Added new section, R.61-71.K.7, to provide for issuing a field citation to cease and desist drilling operations if the driller is not properly licensed.

Added new section, R.61-71.L, to provide for severability.

Instructions: Replace existing R.61-71 in its entirety with this amendment.

Text:

R.61-71. WELL STANDARDS

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(Statutory Authority: 1976 Code Sections 48-1-10 et seq. and 44-55-10 et seq.)

A. PURPOSE AND SCOPE

These regulations establish minimum standards for the construction, maintenance, and operation of the following wells: individual residential, irrigation, monitoring (including non-standard installations), and boreholes to ensure that underground sources of drinking water are not contaminated and public health is protected. These regulations do not apply to public water wells as those standards are stated in R.61-58. Additional requirements may be found for injection wells in R.61-87; for water wells which produce greater than 3 million gallons per month in capacity use areas as stated in the regulations promulgated under the Groundwater Use and Reporting Act; for oil and gas exploration and production wells as required under the Oil & Gas Exploration, Drilling, Transportation and Production Act as stated in regulation R.121-8; and for monitoring and remediation wells required under the State Hazardous Waste Management Regulations (R.61-79). Permitting requirements for Individual Residential Wells and Irrigation Wells are found in R.61-44.

B. DEFINITIONS

For the purpose of this regulation, the following terms are defined:

1. Annular Space - the space between the drill string or casing and the wall of the borehole.

2. Bored Well - a large diameter individual residential well or irrigation well, commonly equal to or greater than 24 inches in diameter, that is typically installed at a shallow depth and with casing constructed of rock, concrete, or ceramic material.
3. Borehole - a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.
4. Borehole Completion - the date the total depth of the borehole has been reached.
5. Boring – a borehole for the purpose of sampling sub-surface materials such as environmental soil sampling borings, geotechnical borings, or exploration borings, but does not include boreholes completed as wells.
6. Casing - a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the sides of the hole from caving, to prevent loss of drilling mud into permeable strata, or to prevent fluids from entering or leaving the borehole.
7. Certified Well Driller - a driller duly and currently registered in South Carolina by the Department of Labor, Licensing, and Regulation.
8. Confining Layer - a geologic formation, group of formations, or part of a formation that is capable of significantly limiting fluid movement between hydrogeologic units.
9. Consolidated Formation or Material – crystalline, metamorphic, limestone, or otherwise competent rock.
10. Conventionally Installed Monitoring Well – a monitoring well where an annular space is created during the well construction process.
11. Development - the removal of formation cuttings, fine-grained sediments, drilling fluids, or additives from the borehole.
12. Direct Push Monitoring Well - a type of monitoring well constructed by pushing casing or other sampling device into the subsurface to obtain water samples for groundwater quality analysis, or to measure groundwater levels, where little or no annular space is created.
13. Environmental Soil Sampling Boring - a borehole used to obtain a soil sample for contamination investigations.
14. Exploration Boring - any borehole for the purpose of sub-surface mineral investigation and exploration.
15. Forced Injection of Grout - the emplacing of grout through a tremie pipe by pumping as opposed to pouring by gravity.
16. Filter Pack - an artificial filter material that is placed in the annular space around the well screen.
17. Geotechnical Boring – a typically shallow borehole for determining physical properties of the soil and subsurface, including foundation or general geotechnical borings and other such shallow borings incidental to construction activities.
18. Geothermal System Well – a type of well that is used to provide heat exchange for heating and cooling systems where the piping is below ground; includes, but is not limited to, closed loop and open loop systems.

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19. Individual Residential Well - a well intended to produce potable water for human consumption at a single residence or a family.
20. Irrigation Well - a well intended to produce water for uses other than human consumption, to include, but not be limited to, lawn and landscape watering and agricultural uses.
21. Monitoring well - any well constructed specifically to obtain a sample of groundwater for analysis, or any well used to measure groundwater levels. These wells include, but are not limited to, wells constructed using conventional drilling techniques and direct push methods.
22. Permanent Monitoring Well – any monitoring well that is intended for multiple sampling events over time.
23. Sanitary Cover - a removable seal to prevent the entrance of contaminants or foreign matter into the well.
24. Sanitary Seal - a removable seal at the top of the casing, between the casing and pipe, wire, tool, or device, capable of supporting such tools or devices, having no opening that would enable the entrance of contaminants or foreign matter into the well.
25. Screen – a filtering device that serves as the intake portion of a well that allows water to enter the well while preventing sediment from entering the well.
26. Surface Water – all water, which is open to the atmosphere and is subject to surface runoff that includes lakes, streams, ponds, ditches, and reservoirs.
27. Temporary Monitoring Well – a monitoring well where a one-time groundwater sample or groundwater level measurement is obtained.
28. Thermoplastic - materials composed of acrylonitrile-butadiene-styrene (ABS), polyvinyl chloride (PVC), or styrene-rubber (SR) plastics.
29. Tremie - the use of a small diameter pipe inserted into the borehole through which the filter pack or grout is placed at the desired depth to either complete construction of the well or to abandon the boring.
30. Unconsolidated Formation or Material - layers or sequences of sands, silts, or clays.
31. Vent – a device to keep foreign matter out of the well and that allows the well to be vented to the atmosphere.
32. Well – any borehole completed for the purpose of extracting or injecting fluid. This shall include, but not be limited to, wells used for irrigation, individual residential drinking water, environmental restoration, geothermal well systems, or environmental sampling. Wells fall into one of the following types:
 - a. Type I - open hole in bedrock aquifers;
 - b. Type II - screened with natural filter in unconsolidated aquifers;
 - c. Type III - screened with artificial filter in unconsolidated aquifers;
 - d. Type IV - open hole in consolidated limestone aquifers;
 - e. Type V - bored or dug well having a large diameter.
33. Well Completion Date – the date the casing has been grouted.

C. VARIANCES.

Any requests for variances to these regulations shall be directed in writing to the Department and shall be considered on a well-specific basis by the Department. A variance can be issued as an alternative construction

method that ensures the equivalent protection of the groundwater resource and public health when the standards in this regulation cannot otherwise be met. The Department may revoke issued variances as determined to be appropriate by the Department.

D. GENERAL.

1. All wells shall be drilled, constructed, and abandoned by a South Carolina certified well driller per 40-23-10 et seq.
2. Analytical data submitted to the Department shall be from a South Carolina Certified Laboratory per R.61-81.

E. LOCATION OF WELLS.

1. Wells outlined in Section F and G shall be located the specified minimum distance from all of the following existing potential sources of contamination:

a. Sewer lines	20 feet
b. Lakes, streams, surface-water bodies	50 feet
c. Septic tank/tile fields	50 feet
d. Animal feedlots, barns, stables	50 feet
e. Waste disposal--land application sites	100 feet
f. Waste treatment lagoons	100 feet
g. Chemical, herbicide, pesticide and petroleum storage or handling sites.....	100 feet
h. Landfills	100 feet
i. Hazardous waste landfills/surface impoundments	100 feet
j. Radioactive waste landfills	100 feet
k. Property lines and buildings.....	5 feet

2. Certain conditions may require increased distances of certain wells from potential contamination sources or known contamination and the decision shall be made in consultation with the Department. These include but are not limited to:

- a. Type I and IV wells with less than twenty feet of casing
- b. Type I wells where fractured rock is at the surface
- c. Type II or III wells with no confining layers between the screened zone(s) and the ground surface
- d. Type IV wells where no confining layers overlie the open-hole limestone or the limestone is at shallow depth
- e. Type V wells because they are under water-table conditions

3. At the time of construction, all wells shall be accessible for cleaning, treatment, repair, inspection, and other attention as may be necessary.

F. INDIVIDUAL RESIDENTIAL AND IRRIGATION WELLS.

1. Drilling.

- a. The drilling process or use of drilling fluid additives shall not contaminate any aquifer.
- b. Water used in the drilling process shall be obtained from a source that will not result in chemical or biological contamination of any aquifer. Water taken directly from ponds, lakes, streams or other surface water sources shall not be used.

2. Grouting.

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a. The diameter of the drilled hole shall be large enough to allow for a minimum of 1.5 inches of annular space on all sides of the casing for forced injection of grout through a tremie pipe.

b. Grout is to be composed of neat cement, a bentonite cement mixture, or high solids sodium bentonite grout.

(1) Neat cement grout shall be composed of Class A, Type I Portland Cement mixed with not more than seven (7) gallons of clean water per bag (one cubic foot or 94 pounds) of cement with a density of 15 to 16 pounds per gallon, or to manufacturer's specifications.

(2) Bentonite-cement grout shall be composed of powdered bentonite (less than 5% by weight) mixed at not more than 8 gallons of water to the bag, with a density of 14 to 15 pounds per gallon, or to manufacturer's specifications.

(3) High solids sodium bentonite grout shall have a minimum of 20% solids and be mixed per manufacturer's specifications with water and/or other required additives.

c. Grout shall fill the entire annular space from a minimum depth of twenty feet from the land surface at the time of well completion, unless otherwise approved by the Department. While the Department discourages wells less than 20 feet to be used for human consumption, it is recognized that due to differing hydrogeologic conditions across the state, some wells may need to be screened or completed at depths less than 20 feet to obtain potable water in the shallow aquifer. Therefore, wells less than 20 feet in depth, but no less than 15 feet in depth, are allowed. In these cases, in Type II and Type III wells, grout shall extend from one foot above the screen to the land surface and, in Type I and Type IV wells, the entire annular space shall be filled with grout. Any other minimum well depths may only be allowed per the variance procedure outlined in this regulation.

d. All grouting shall be accomplished using forced injection to emplace the grout. When emplacing the grouting material, the tremie pipe shall be lowered to the bottom of the zone to be grouted. The tremie pipe shall be kept full continuously from start to finish of the grouting procedure, with the discharge end of the tremie pipe being continuously submerged in the grout until the zone to be grouted is completely filled.

e. Wells shall be grouted in-place within five (5) days after borehole completion.

f. When high solids sodium bentonite grouts are used, a vapor barrier at the land surface at least the width of the annular space made of suitable materials, as approved by the Department, such as native soils, gravel, sand, or thermoplastic material, is required for public safety and structural stability of the well.

3. Plumbness and Alignment.

Wells shall be constructed sufficiently plumb and straight so as to cause no interference with intended use.

4. Development.

a. Wells shall be properly developed. In a screened well, development shall be by a method that ensures that water is forced to flow into and out of the screen.

b. Development shall be complete when the well produces water typical of the aquifer being utilized.

5. Well Tested for Yield.

If a yield test is conducted, it shall be by a standard method and accurately measure flow. Results are to be included with the well record to be sent to the Department.

6. Backflow Prevention.

Approved backflow prevention devices are required on all wells that utilize a chemical feed system for any purpose other than water treatment. The backflow prevention device shall be installed so as to preclude any direct pathway for any contaminant to enter an underground source of drinking water.

7. Disinfection.

All individual residential wells and irrigation wells shall be disinfected upon well completion. The well shall also be disinfected upon any well maintenance, repair, pump repair, pump installation, or testing. Disinfectants shall be placed in the well in order to provide a chlorine residual from 50 ppm (milligrams per liter) to 250 ppm for a minimum of four hours before being flushed from the well. The method of chlorination shall be one that insures that the chlorine is uniformly distributed in the well. The well shall be flushed sufficiently after disinfection to remove the disinfectant and to condition the well for use.

8. Well Identification.

These wells shall be properly labeled with an identification plate immediately upon well completion. The identification plate shall be constructed of a durable, weatherproof, rustproof, material. The identification plate shall be permanently secured to the well casing or enclosure floor around the casing where it is readily visible. The identification plate shall be permanently marked to show:

- a. Company name and certification number of the driller who installed the well;
- b. Date well was completed;
- c. Total depth (feet); and,
- d. Casing depth (feet).

9. Materials.

a. Casing.

(1) Casing may be driven, lowered, or installed in any manner that will effect a continuous water tight and plumb installation.

(2) A well point, drive pipe, or drive shoe shall be structurally suitable to prevent rupture during the driving of the casing.

(3) Permanent well casing shall be new, seamless, or electric-resistance welded steel or galvanized pipe or thermoplastic pipe.

(4) Casing shall have watertight joints that shall be glued or threaded and coupled if plastic, or electrically welded or threaded and coupled with heavy recessed-type couplings of steel, if metal.

(5) Casing shall be of standards classified by the American Society for Testing and Materials (ASTM) and shall be NSF approved.

(6) New steel casing which bears mill markings and which conforms to the standard and specifications ASTM A-53, ASTM A-120, or American Petroleum Institute (API-5L) for water well pipe shall be used.

(7) Casing weighing less than "standard weight" steel pipe is allowed by the Department for water wells when the following requirements are met:

(a) The casing shall have a minimum nominal wall thickness of 0.188 inches;

(b) Casing meets the requirements of American National Standards Institute and ASTM (ANSI/ASTM) for water well casing.

(8) In consolidated formations, the well casing shall be set into the formation so as to provide a watertight seal between the casing and the top of the consolidated formation.

(9) In unconsolidated material, well casing shall be set into the first confining layer or to twenty feet, whichever is greater.

(10) Casing installed shall extend a minimum of one foot above the land surface at the time of construction. If an above ground pump is used, the casing may extend less than one foot above the land surface or below the land surface with a protective wellhead cover that allows access to the wellhead if the piping connecting the well casing to the pump is glued or threaded and is watertight.

(11) Thermoplastic casing may be used provided the casing:

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(a) Conforms to requirements of American National Standards Institute/American Society of Testing and Materials (ANSI/ASTM), specification F480-77 for thermoplastic water well casing pipe and couplings made in standard dimension ratios (SDR);

(b) Has minimum wall thickness and tolerances to meet or exceed requirements for SDR 26 thermoplastic water well casing pipe and couplings made in standard dimension ratios;

(c) Has wall thickness and tolerances to meet or exceed requirements for Schedule 40 thermoplastic water well casing pipe for nominal sizes three inches or smaller;

(d) Can be installed without interference from formational material or other objects that may cause physical damage to the casing during emplacement.

b. Screens.

(1) The well, if constructed to obtain water from an unconsolidated formation, shall be equipped with a screen that will prevent the entrance of formation material into the well after the well has been developed and completed.

(2) The well screen shall meet standards classified by the American Society for Testing and Materials (ASTM) and shall be National Sanitation Foundation (NSF) approved material, and shall be of a strength to satisfactorily withstand chemical or physical forces applied to it during and after installation.

(3) Thermoplastic well screens shall:

(a) Have a minimum wall thickness and tolerance which meet or exceed requirements for schedule 40 thermoplastic water well casing pipe for nominal sizes three inches and smaller;

(b) Have a minimum wall thickness and tolerance which meet or exceed requirements for SDR 26 thermoplastic water well casing for nominal sizes greater than three inches, and;

(c) Be installed in wells without interference from formation material or other objects that may cause physical damage during emplacement and do not exceed manufacturers recommendations for depth placement.

(d) Multi-screened wells shall not connect aquifers or zones that have documented differences:

(1) In water quality that would result in contamination of any aquifer or zone such that any State Primary Drinking Water standard is exceeded;

(2) In static water levels that would result in depletion of water from any aquifer or zone, or significant loss of head in any aquifer or zone.

(e) The bottom of the lower-most well screen shall be plugged or capped.

10. Filter Pack.

When a filter pack is used, the following criteria shall apply:

a. The filter pack shall be composed of uniformly sized, quartz sand or gravel being free from clay, silt, or other deleterious material.

b. The filter pack shall be installed using a method that ensures placement into the annular space around the screens.

c. The filter pack shall be disinfected prior to or during installation.

d. The filter pack shall not connect aquifers or zones that have documented differences:

(1) In water quality that would result in contamination of any aquifer or zone such that any State Primary Drinking Water standard is exceeded;

(2) In static water levels that would result in depletion of water from any aquifer or zone, or significant loss of head in any aquifer or zone.

11. Sanitary Seal.

a. A sanitary seal shall be provided on the top of the well casing.

b. If a vent is used, it shall be of a type to prevent the entrance of contaminants, insects, or rainwater into the well.

12. Reporting.

a. The Water Well Record Form 1903, or other approved form, shall be completed and submitted to the Department by the contractor within thirty days after well completion. In addition to the water well record, the driller shall submit additional information as available such as chemical or bacterial results, if taken, and pumping information.

b. A Form 1903 shall also be submitted for individual residential and irrigation wells that are abandoned.

13. Operations and Maintenance.

a. All wells shall be operated and maintained at all times in such a manner so as to protect underground sources of drinking water from contamination and to protect public health. The well owner may be required to provide additional security against vandalism as appropriate. The well owner is responsible for routine maintenance and operation of the well.

b. The well driller is responsible for ensuring wells are constructed in accordance with this regulation. Once the well driller has provided a properly constructed well to the well owner, the well driller is not responsible for normal wear of the well.

c. A sampling spigot shall be installed on the wellhead.

14. Abandonment.

a. When any well is removed from service or prior to putting in service, the well shall be sealed with a watertight cap or seal. The well shall be maintained such that it is not a source or channel of contamination while it is not in service. Until a well is abandoned, all provisions for protection of the water against contamination and for maintaining sanitary conditions around the well shall be carried out to the same extent as though the well were in routine use. This goal shall be met when conducting repair or maintenance on the well, surrounding structures, or pumps.

b. Any well removed from service for longer than thirty-six months shall be permanently abandoned unless a variance from the Department is requested.

c. Any well that acts as a source of contamination shall be repaired or permanently abandoned immediately after receipt of notice from the Department.

d. Abandonment shall be by forced injection of grout or pouring through a tremie pipe starting at the bottom of the well or fill material and proceeding to the surface in one continuous operation.

e. When an individual residential well or irrigation well is permanently abandoned, at a minimum, the well may be filled with either bentonite-cement, neat cement, 20% high solids sodium bentonite grout, sand, or gravel to no closer than twenty feet below the ground surface. The remaining twenty feet to the ground surface shall be filled with neat cement, bentonite-cement, or 20% high solids sodium bentonite grout.

G. BORED INDIVIDUAL RESIDENTIAL AND IRRIGATION WELLS.

The construction of bored wells shall meet the following minimum requirements:

1. Drilling.

a. The drilling process or use of drilling fluid additives shall not contaminate any aquifer.

b. Water used in the drilling process shall be obtained from a source that will not result in chemical or biological contamination of any aquifer. Water taken directly from ponds, lakes, streams or other surface water sources shall not be used.

2. Grouting.

a. The diameter of the borehole shall be large enough to allow for a minimum of 1.5 inches of annular space on all sides of the casing for forced injection of grout through a tremie pipe.

b. Grout is to be composed of neat cement, a bentonite cement mixture, or high solids sodium bentonite grout.

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(1) Neat cement grout shall be composed of Class A, Type I Portland Cement mixed with not more than seven (7) gallons of clean water per bag (one cubic foot or 94 pounds) of cement with a density of 15 to 16 pounds per gallon, or to manufacturers specifications

(2) Bentonite-cement grout shall be composed of powdered bentonite (less than 5% by weight) mixed at not more than 8 gallons of water to the bag, with a density of 14 to 15 pounds per gallon, or to manufacturers specifications.

(3) High solids sodium bentonite grout shall have a minimum of 20% solids and be mixed per manufacturers specifications with water and/or other required additives.

c. When high solids sodium bentonite grouts are used, a vapor barrier at the land surface made of suitable natural materials as approved by the Department, such as native soils, gravel, or sand, is required.

d. Grout shall fill the entire annular space from a minimum depth of fifteen feet from the land surface at the time of well completion to ensure that water does not enter the well from the joints in the well casing. Bored wells shall be greater than 15 feet in depth.

e. Grouting shall be done by forced injection of grout. When emplacing the grouting material, the tremie pipe shall be lowered to the bottom of the zone to be grouted. The tremie pipe shall be kept full continuously from start to finish of the grouting procedure, with the discharge end of the tremie pipe being continuously submerged in the grout until the zone to be grouted is completely filled.

f. Grouting shall take place within five (5) days after borehole completion.

3. Development.

Development shall be complete when the well produces water typical of the aquifer being utilized.

4. Well Tested for Yield.

If a yield test is conducted, it shall be by a standard method and accurately measure flow. Results are to be included in the well record to be sent to the Department.

5. Backflow Prevention.

Approved backflow prevention devices are required on all wells that utilize a chemical feed system for any purpose other than water treatment. The backflow prevention device shall be installed so as to preclude any direct pathway for any contaminant to enter an underground source of drinking water.

6. Disinfection.

All individual residential wells shall be disinfected upon the initial installation of the pump and sanitary cover. The well shall also be disinfected upon any subsequent well maintenance, repair, pump repair, pump installation, or testing. Disinfectants shall be placed in the well in order to provide a chlorine residual from 50 ppm (milligrams per liter) to 250 ppm for a minimum of four hours before being flushed from the well. The method of chlorination shall be one that insures that the chlorine is uniformly distributed in the well. The well shall be flushed sufficiently after disinfection to remove the disinfectant and to condition the well for use.

7. Well Identification.

All wells shall be properly labeled with an identification plate immediately upon well completion. The identification plate shall be constructed of a durable, weatherproof, rustproof, material. The identification plate shall be permanently secured to the well casing or enclosure floor around the casing where it is readily visible. The identification plate shall be permanently marked to show:

- a. Company name and driller's certification number who installed the well;
- b. Date well was completed;
- c. Total depth (feet);
- d. Casing depth (feet).

8. Casing.

- a. Casing may be driven, lowered, or installed in any manner that will effect a continuous water tight and plumb installation.
- b. Any piping connecting through the well casing shall be watertight.

9. Filter Pack.

When a filter pack is used, the following criteria shall apply:

- a. The filter pack shall be composed of uniformly sized, quartz sand or gravel being free from clay, silt, or other deleterious material.
- b. The filter pack shall be installed using a method approved by the Department into the annular space.
- c. The filter shall be disinfected prior to or during installation.

10. Sanitary Cover.

A sanitary cover shall be provided on the top of the well casing.

11. Reporting.

- a. The Water Well Record Form 1903, or other approved form, shall be completed and submitted to the Department by the contractor within thirty days after well completion. In addition to the water well record, the driller shall submit additional information as available such as chemical or bacterial results, if taken, and pumping information.
- b. A Form 1903 shall also be submitted for bored wells that are abandoned.

12. Operations and Maintenance.

Bored wells shall be operated and maintained at all times in such a manner so as to protect underground sources of drinking water from contamination and to protect public health. The well owner may be required to provide additional security against vandalism as appropriate. The well driller is responsible for ensuring wells are constructed in accordance with this regulation. Once the well driller has provided a properly constructed well to the well owner, the well driller is not responsible for normal wear of the well. The well owner is responsible for maintenance and operation of the well.

13. Abandonment.

- a. When a bored well is removed from service or prior to putting in service, the well shall be covered with a cap or seal. The well shall be maintained such that it is not a source or channel of contamination while not in service. Until a well is abandoned, all provisions for protection of the water against contamination and for maintaining sanitary conditions around the well shall be carried out to the same extent as though the well were in routine use. This goal shall be met when conducting repair or maintenance on the well, surrounding structures, or pumps.
- b. Any well removed from service for longer than thirty-six months shall be permanently abandoned unless a variance from the Department is requested.
- c. Any well that acts as a source of contamination shall be repaired or permanently abandoned immediately after receipt of notice from the Department.
- d. Abandonment shall be by forced injection of grout or pouring through a tremie pipe starting at the bottom of the well or fill material and proceeding to the surface in one continuous operation, unless compacted clay is used.
- e. The bored well shall be abandoned immediately upon being permanently taken out of service. The well may be filled with either bentonite-cement, neat cement, 20% high solids sodium bentonite grout, sand, or

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gravel to no closer than twenty feet below the ground surface. The remaining twenty feet to the ground surface shall be filled with neat cement, bentonite-cement, or 20% high solids sodium bentonite grout, or compacted clay.

H. MONITORING WELLS

1. Requirements For All Permanent and Temporary Monitoring Wells.

a. Due to the nature and purpose of a monitoring well, the depth and location requirements in respect to surface water bodies, potential contamination sources, etc., are variable, and shall be approved on a case-by-case basis by the Department. All monitoring wells shall have Department approval prior to installation or abandonment. Prior to the construction of any monitoring well, the following information shall be completed on a form provided and/or approved by the Department and shall be submitted to the Department:

- (1) Proposed well location(s) on a scaled map or plat;
- (2) Proposed well construction details;
- (3) Intended purpose of the well(s);
- (4) Well owner's name and mailing address;
- (5) Property owner's name and mailing address, if different from the well owner;
- (6) Mailing address and county of location where monitoring wells are to be installed, if different from the well owner's or property owner's address;
- (7) Proposed parameters to be analyzed; and,
- (8) Proposed drilling date.

If any of the information provided to the Department changes, the Department shall be notified at least 24 hours prior to well construction.

b. All monitoring wells shall be drilled, constructed, maintained, operated, and/or abandoned to ensure that underground sources of drinking water are not contaminated.

c. All monitoring wells shall yield water samples and water levels that are representative of the zone monitored.

d. The well owner shall submit all analytical data and water levels obtained from each monitoring well to the Department within 30 days of receipt of laboratory results unless another schedule has been approved by the Department.

e. Any monitoring well which is destroyed, rendered unusable, or abandoned, shall be reported to the Department, and shall be properly abandoned, revitalized, or replaced as appropriate or as required by permit or regulation.

f. A Water Well Record Form 1903 or other form provided and/or approved by the Department shall be completed and submitted to the Department within 30 days after well completion or abandonment. At a minimum, the form shall contain the following information:

- (1) Name and address of facility/owner;
- (2) Surveyed or global positioning system location, in latitude and longitude or Universal Transverse Mercator coordinates, of monitoring well(s) on a scaled map or plat;
- (3) Driller and certification number;
- (4) Date drilled;
- (5) Driller's or Geologist's log;
- (6) Total depth;
- (7) Screened interval;
- (8) Diameter and construction details;
- (9) Depth to groundwater with date and time measured;
- (10) Surveyed elevation of measuring point with respect to an established benchmark.
- (11) Monitoring well approval number issued by the Department.

g. Monitoring wells constructed and reported to satisfy permitting or other regulatory requirements are not required to submit duplicate reports under this regulation.

h. Any well that acts as a source of contamination shall be repaired or permanently abandoned immediately after receipt of notice from the Department.

2. Additional Requirements for Permanent Conventionally Installed Monitoring Wells

a. Grouting.

- (1) These monitoring wells shall be grouted from the top of the bentonite seal to the land surface.
- (2) Grout is to be composed of neat cement, a bentonite cement mixture, or high solids sodium bentonite grout.
 - (a) Neat cement grout shall be composed of Class A, Type I Portland Cement mixed with not more than seven (7) gallons of clean water per bag (one cubic foot or 94 pounds) of cement with a density of 15 to 16 pounds per gallon, or to manufacturer's specifications
 - (b) Bentonite-cement grout shall be composed of powdered bentonite (less than 5% by weight) mixed at not more than 8 gallons of water to the bag, with a density of 14 to 15 pounds per gallon, or to manufacturer's specifications.
 - (c) High solids sodium bentonite grout shall have a minimum of 20% solids and be mixed per manufacturer's specifications with water and/or other required additives.
- (3) The diameter of the drilled hole shall be large enough to allow for a minimum of 1.5 inches of annular space on all sides of the casing for forced injection of grout through a tremie pipe.
- (4) All grouting shall be accomplished using forced injection to emplace the grout. When emplacing the grouting material, the tremie pipe shall be lowered to the bottom of the zone to be grouted. The tremie pipe shall be kept full continuously from start to finish of the grouting procedure, with the discharge end of the tremie pipe being continuously submerged in the grout until the zone to be grouted is completely filled.
- (5) A cement or aggregate reinforced concrete pad at the ground surface of appropriate durability and strength, considering the setting and location of each well, that extends six inches beyond the borehole diameter and six inches below ground surface is required. The pad shall be capable of preventing infiltration between the surface casing and the borehole to the subsurface.

b. Construction and Materials

- (1) Casing shall be of sufficient strength to withstand normal forces encountered during and after well installation and be composed of material so as to minimally affect water quality analyses.
- (2) Casing shall have a sufficient diameter to provide access for sampling equipment.
- (3) A properly hydrated bentonite seal with a minimum thickness of twelve inches directly above the filter pack shall be used, if the well has a filter pack.
- (4) The monitoring well intake or screen design shall minimize formational materials from entering the well. The filter pack shall be utilized opposite the well screen as appropriate so that parameter analyses will be minimally affected.
- (5) A locking cap or other security devices to prevent damage and/or vandalism shall be used.
- (6) Monitoring wells completed below grade shall be in a watertight vault with a well cap to prevent infiltration of surface water into the well.

c. Well Identification.

All monitoring wells shall be properly labeled with an identification plate immediately upon well completion. The identification plate shall be constructed of a durable, weatherproof, rustproof, material. The identification plate shall be permanently secured to the well casing or enclosure floor around the casing where it is readily visible. The identification plate shall be permanently marked to show:

- (1) Company name and certification number of the driller who installed the well;
- (2) Date well was completed;
- (3) Total depth (feet);
- (4) Casing depth (feet);
- (5) Screened interval;
- (6) Designator and/or identification number.

d. Development.

Development shall be complete when the well produces water typical of the aquifer being utilized.

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e. Abandonment

Abandonment shall be by forced injection of grout or pouring through a tremie pipe starting at the bottom of the well and proceeding to the surface in one continuous operation. The well shall be filled with either with neat cement, bentonite-cement, or 20% high solids sodium bentonite grout, from the bottom of the well to the land surface.

3. Additional Requirements for Permanent Direct Push Monitoring Wells

a. Direct Push Wells cannot be installed below a confining layer unless it can be demonstrated to the satisfaction of the Department that cross-contamination of the aquifer systems can be prevented.

b. Grouting.

(1) These monitoring wells shall be grouted from the top of the bentonite seal to the land surface.

(2) Grout is to be composed of neat cement, a bentonite cement mixture, or high solids sodium bentonite grout.

(a) Neat cement grout shall be composed of Class A, Type I Portland Cement mixed with not more than seven (7) gallons of clean water per bag (one cubic foot or 94 pounds) of cement with a density of 15 to 16 pounds per gallon, or to manufacturer's specifications

(b) Bentonite-cement grout shall be composed of powdered bentonite (less than 5% by weight) mixed at not more than 8 gallons of water to the bag, with a density of 14 to 15 pounds per gallon, or to manufacturer's specifications.

(c) High solids sodium bentonite grout shall have a minimum of 20% solids and be mixed per manufacturer's specifications with water and/or other required additives.

(3) The diameter of the annular space shall be large enough to allow for forced injection of grout through a tremie pipe.

(4) All grouting shall be accomplished using forced injection to emplace the grout. When emplacing the grouting material, the tremie pipe shall be lowered to the bottom of the zone to be grouted. The tremie pipe shall be kept full continuously from start to finish of the grouting procedure, with the discharge end of the tremie pipe being continuously submerged in the grout until the zone to be grouted is completely filled.

(5) A cement or aggregate reinforced concrete pad at the ground surface of appropriate durability and strength, considering the setting and location of each well, that extends six inches beyond the borehole diameter and six inches below ground surface is required. The pad shall be capable of preventing infiltration between the surface casing and the borehole to the subsurface.

c. Construction and Materials

(1) Casing shall be of sufficient strength to withstand normal forces encountered during and after well installation and be composed of material so as to minimally affect water quality analyses.

(2) Casing shall have a sufficient diameter to provide access for sampling equipment.

(3) The monitoring well intake or screen design shall minimize formational materials from entering the well. The well screen or intake shall be designed so that parameter analyses will be minimally affected.

(4) A locking cap or other security devices to prevent damage and/or vandalism shall be used.

(5) Monitoring wells completed below grade shall be in a watertight vault with a well cap to prevent infiltration of surface water into the well.

d. Well Identification.

All monitoring wells shall be properly labeled with an identification plate immediately upon well completion. The identification plate shall be constructed of a durable, weatherproof, rustproof, material. The identification plate shall be permanently secured to the well casing or enclosure floor around the casing where it is readily visible. The identification plate shall be permanently marked to show:

(1) Company name and certification number of the driller who installed the well;

(2) Date well was completed;

- (3) Total depth (feet);
- (4) Casing depth (feet);
- (5) Screened Interval;
- (6) Designator and/or identification number.

e. Development.

Development shall be complete when the well produces water typical of the aquifer being utilized.

f. Abandonment

(1) Permanent Direct Push Wells that do not penetrate a confining layer shall be abandoned by removing all casing from the subsurface and be grouted by forced injection through a tremie pipe from the total depth to the land surface, or by forced injection or pouring of neat cement, bentonite-cement, or 20% high solids sodium bentonite grout through a tremie pipe starting at the bottom of the well and proceeding to the surface in one continuous operation.

(2) Direct Push Wells that penetrate a confining layer shall be abandoned by forced injection or pouring of neat cement, bentonite-cement, or 20% high solids sodium bentonite grout through a tremie pipe starting at the bottom of the well and proceeding to the surface in one continuous operation.

Additional Requirements For Temporary Monitoring Wells

a. Construction and Materials

(1) Casing shall be of sufficient strength to withstand normal forces encountered during and after well installation and be composed of material so as to minimally affect water quality analyses.

(2) Casing shall have a sufficient diameter to provide access for sampling equipment.

(3) The monitoring well intake or screen design shall minimize formational materials from entering the well. The filter pack or intake shall be utilized opposite the well screen as appropriate so that parameter analyses will be minimally affected.

b. Operation and Maintenance

All temporary monitoring wells shall be sealed with a watertight cap or seal until abandoned. Temporary monitoring wells shall be maintained such that they are not a source or channel of contamination before they are abandoned.

c. Abandonment.

(1) All temporary monitoring wells shall be abandoned within 5 days of borehole completion.

(2) A conventionally drilled temporary well shall be abandoned by forced injection of neat cement, bentonite-cement, or 20% high solids sodium bentonite grout through a tremie pipe starting at the bottom of the well and proceeding to the surface in one continuous operation.

(3) A Temporary Direct Push Well that does not penetrate a confining layer shall be abandoned by forced injection of neat cement, bentonite-cement, or 20% high solids sodium bentonite grout through a tremie pipe after the sampling device has been removed.

(4) A Temporary Direct Push Well that penetrates a confining layer shall be abandoned by forced injection of neat cement, bentonite-cement, or 20% high solids sodium bentonite grout through the sampling device as the sampling device is removed from the sub-surface. Abandonment shall occur during the initial withdrawal from the original push borehole and not by a separate tremie tool after the sampling device has been removed to ensure the breach in the confining layer is permanently sealed.

Use of Water Wells as Monitoring Wells.

Due to the variability involved, the use of a potable water well as a monitoring well shall be approved by the Department on a case-by-case basis.

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Non-Standard Monitoring Wells

Due to the variability involved, the use of construction methods, techniques, or monitoring well designs not covered in this regulation shall be approved by the Department on a case-by-case basis.

I. BORINGS.

1. Geotechnical Borings.

- a. Geotechnical borings shall be abandoned within five days of borehole completion.
- b. Geotechnical borings shall be backfilled with a suitable material, such as the native material removed from the boring, to eliminate safety hazards and infiltration of runoff into the boring.

2. Exploration Borings

- a. Exploration borings shall be abandoned or cased to observe groundwater levels within five days of borehole completion or completion of geophysical logging. When cased, the casing shall be grouted per the requirements of R.61-71.F.2. and shall be capped for safety when not in use.
- b. Exploration borings in near surface unconsolidated formations or saprolite shall be backfilled with a suitable material, such as the native material removed from the boring, to eliminate safety hazards and infiltration of runoff into the boring.
- c. Exploration borings in indurated or consolidated formations shall be abandoned by filling with either bentonite-cement, neat cement, 20% high solids sodium bentonite grout, sand, or gravel to within no less than twenty feet of the surface and the remainder shall be filled with neat cement, bentonite-cement, or 20% high solids sodium bentonite grout.
- d. Exploration borings in indurated or consolidated formations shall be abandoned by forced injection of grout or pouring through a tremie pipe starting at the bottom of the borehole and proceeding to the surface in one continuous operation.
- e. Special precautions shall be used to abandon exploration borings if natural voids, such as solution cavities in limestone, significant fractures, and shear zones, are encountered. Suitable grout and grouting methods shall be used when such conditions exist to ensure the long-term integrity of the grout in the abandoned borehole.
- f. Exploration borings constructed on property that is included in an active mine permit shall be exempt from this Section of this regulation.
- g. A form provided and/or approved by the Department shall be completed and submitted to the Department within 30 days after completion of the exploration project, or phase in exploration drilling, whichever occurs first. The Department shall treat the approved form completed and submitted for exploration boring abandonment as confidential trade secrets and proprietary business information and not subject to public disclosure under the Freedom of Information Act.

3. Environmental Soil Sampling Borings

- a. All analytical data obtained from each environmental soil sampling boring shall be submitted to the Department within 30 days of receipt of laboratory results unless another schedule has been approved by the Department.
- b. The boring shall be abandoned within five days of borehole completion.
- c. Borings five feet in depth or shallower may be abandoned by backfilling with native fill material.
- d. Borings greater than five feet in depth shall be completely filled from the bottom of the borehole to the land surface with bentonite-cement, neat cement, or 20% high solids sodium bentonite grout.
- e. The boring shall be abandoned by forced injection of grout or pouring through a tremie pipe starting at the bottom of the borehole and proceeding to the surface in one continuous operation.
- f. A Water Well Record Form 1903 or other form provided and/or approved by the Department shall be completed and submitted to the Department within 30 days after abandonment.

4. Horizontal Borings.

- a. Horizontal borings shall be backfilled with a suitable material, such as the native material removed from the boring, to eliminate safety hazards and infiltration of runoff into the boring.

J. GEOTHERMAL SYSTEM WELLS.

1. Drilling.

- a. The drilling process or use of drilling fluid additives shall not contaminate any aquifer.
- b. Water used in the drilling process shall be obtained from a source that will not result in chemical or biological contamination of any aquifer. Water taken directly from ponds, lakes, streams or other surface water sources shall not be used.
- c. Geothermal system wells shall not connect aquifers or zones that have documented differences:
 - (1) In water quality that would result in contamination of any aquifer or zone such that any State Primary Drinking Water standard is exceeded;
 - (2) In static water levels that would result in depletion of water from any aquifer or zone, or significant loss of head in any aquifer or zone.

2. Grouting.

- a. If the geothermal system well is to be cased, the diameter of the drilled hole shall be large enough to allow for a minimum of 1.5 inches of annular space on all sides of the casing for forced injection of grout through a tremie pipe. Grout shall fill the entire annular space from a minimum depth of twenty feet from the land surface at the time of well completion, unless otherwise approved by the Department.
- b. If the geothermal system well will not be cased, the borehole may be filled with either bentonite-cement, neat cement, 20% high solids sodium bentonite grout, sand, or gravel to no closer than twenty feet below the ground surface. The remaining twenty feet to the ground surface shall be filled with neat cement, bentonite-cement, or 20% high solids sodium bentonite grout.
 - c. Grout is to be composed of neat cement, a bentonite cement mixture, or high solids sodium bentonite grout.
 - (1) Neat cement grout shall be composed of Class A, Type I Portland Cement mixed with not more than seven (7) gallons of clean water per bag (one cubic foot or 94 pounds) of cement with a density of 15 to 16 pounds per gallon, or to manufacturer's specifications.
 - (2) Bentonite-cement grout shall be composed of powdered bentonite (less than 5% by weight) mixed at not more than 8 gallons of water to the bag, with a density of 14 to 15 pounds per gallon, or to manufacturer's specifications.
 - (3) High solids sodium bentonite grout shall have a minimum of 20% solids and be mixed per manufacturer's specifications with water and/or other required additives.
 - d. All grouting shall be accomplished using forced injection to emplace the grout. When emplacing the grouting material, the tremie pipe shall be lowered to the bottom of the zone to be grouted. The tremie pipe shall be kept full continuously from start to finish of the grouting procedure, with the discharge end of the tremie pipe being continuously submerged in the grout until the zone to be grouted is completely filled.
 - e. Geothermal system wells shall be grouted in-place within five (5) days after borehole completion.
 - f. When high solids sodium bentonite grouts are used, a vapor barrier at the land surface at least the width of the annular space made of suitable materials, as approved by the Department, such as native soils, gravel, sand, or thermoplastic material, is required for public safety and structural stability of the well.

3. Well Identification.

These wells shall be properly labeled with an identification plate immediately upon well completion. The identification plate shall be constructed of a durable, weatherproof, rustproof, material. The identification plate

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shall be permanently secured to the well casing or enclosure floor around the casing where it is readily visible. The identification plate shall be permanently marked to show:

- a. Company name and certification number of the driller who installed the well;
- b. Date well was completed;
- c. Total depth (feet); and,
- d. Casing depth (feet).

4. Reporting. The Water Well Record Form 1903, or other approved form, shall be completed and submitted to the Department by the contractor within thirty days after well completion.

K. VIOLATIONS AND PENALTIES.

1. Violations of this regulation shall be subject to penalties as provided in Sections 48-1-320, 44-55-90 and 48-1-330 of the 1976 S.C. Code of Laws.

2. Whenever the Department finds that a well driller is in violation of a requirement under this regulation, the Department will issue a written notice of violation with a requirement to correct all violations within a specified time period. Whether the noted violation(s) is properly corrected within the specified time period, the extent of deviation from the regulation, the potential for harm, and the historical record of violations by that well driller, shall be considered by the Department in determining additional enforcement actions, if any, and any associated penalties.

3. Should a violation be determined by the Department to have occurred despite the well driller following all applicable regulations and manufacturer's specifications, the Department shall direct the well driller to correct the noted violation within a specified time period. If this violation is corrected within the specified time period, no monetary penalty will be assessed for that violation.

4. After written notice of violation, the Department may issue an order or commence an action in court requiring the well driller to comply with the permit, regulation, standard, or requirement, or may request the Attorney General to commence an action under this subsection in the appropriate court. The Department may also assess civil penalties as provided in this section for violations of the provisions of this regulation or for violating any order, permit, regulation, or standard.

5. A well driller who fails to take appropriate corrective action, after receiving written notice of violation of a provision of this regulation, is liable for civil penalties or criminal prosecution.

6. The Department shall have full access to a well driller's bond as required by the Department of Labor, Licensing, and Regulation to correct a violation of this regulation where, as part of a Department enforcement action, a well driller is unwilling or unable to take required corrective actions.

7. If the Department finds a person not certified by the Department of Labor, Licensing, and Regulation in the act of drilling a well, the Department may issue an order or field citation requiring the person to immediately cease and desist operations, or seek a court order enjoining further drilling.

L. SEVERABILITY.

Should any section, paragraph, sentence, clause, phrase, or other part of this regulation be declared invalid for any reason, the remainder shall not be affected thereby.

Fiscal Impact Statement:

The Department estimates that the State and its political subdivisions will incur no additional financial impact by the promulgation of this regulation amendment.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-71, Well Standards

Purpose: The proposed regulation will help protect the quality of South Carolina's groundwater, drinking water, and public health.

Legal Authority: S.C. Code Sections 48-1-10 et seq. and 44-55-10 et seq.

Plan for implementing: Upon approval by the General Assembly and publication in the State Register, copies of the revised regulation and a summary of the revisions will be provided to the regulated community. The existing inspection program will be modified to reflect the changes. The impact to other program areas should be negligible.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Safe drinking water is essential to public health. It is also important to economic development and is a basic indicator of the quality of life. Therefore, protection of drinking water is of critical importance. Approximately 40% of South Carolina's population uses groundwater as their drinking water source. The need to revise this regulation is demonstrated by the development of new drilling techniques and materials since the original regulation was promulgated in 1985. Substandard well construction poses a risk to the health of the residents using drinking water from that well and a risk of contamination being introduced to the aquifer(s) penetrated by drinking water, irrigation, and monitoring wells. In response to consumer complaints, samples have been submitted for more than 6800 drinking wells in South Carolina in the year 2000. Approximately 29% of the initial samples are positive for total coliform bacteria contamination, an indicator of potential downward leakage of surface contaminants. Approximately 6% of these samples were confirmed as having fecal coliform bacteria, indicating the presence of contaminated groundwater and the possible presence of pathogens.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: There will be no increased costs to the State or its political subdivisions as a result of these amendments.

External Costs: The recent developments in drilling techniques and materials result in more cost-effective well installation. Specifically, Direct Push Technology for environmental assessment can often be more cost-effective than traditional methods. High solids sodium bentonite grout is less expensive than portland cement grout and is easier to use; the costs associated with sanitary seals and sampling spigots are minimal.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to costs to the State or its political subdivisions. Refer to the above paragraph for cost estimates for the regulated community.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH

The requirements in the proposed regulation will have a positive effect by increasing protection to human health and the environment through provision for improved construction techniques and materials.

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

An unacceptable percentage of individual residential wells and irrigation wells will continue to be poorly constructed, thereby increasing the risk to the residents' health and increasing the risk of contamination reaching the aquifer(s) being penetrated.

Document No. 2621

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA MANUFACTURED HOUSING BOARD
CHAPTER 19**

Statutory Authority: 1976 Code Section 40-1-50, 40-29-50 and 40-29-100

Synopsis:

The South Carolina Manufactured Housing Board is proposing a new regulation that will clarify the activities of retail managers and set the requirement that retail managers must be licensed as manufactured home retail salespersons.

Instructions: Amend current regulations, by adding section 19-425.44 as it appears in the text below.

Text:

19-425.44. Retail Managers; Finance Managers.

A. Persons designated as retail managers must be licensed as retail salespersons. A retail manager is any person who has the authority to act on behalf of a retail dealer in the management of a retail center or to supervise any function that requires a retail salesperson license.

B. Activities which indicate a person is a manager include, but are not limited to, the general supervision of a retail center, the authority to approve purchase agreements or other contracts, the practice of receiving funds on behalf of the retail dealer, the approval of advertising, and the hiring, firing, supervision or compensation of salespersons.

C. The retail manager is responsible under Section 40-29-150, concurrently with the retail dealer and salespersons, for any activities (1) carried out by the retail manager related to the operation of the retail center or (2) carried out by anyone acting in an area supervised by the retail manager.

D. Any person who holds himself out to a consumer as the retail dealer's representative for the purpose of obtaining financing falls under the definition of retail salesperson and must be so licensed.

Fiscal Impact Statement: There will be no cost incurred by the State or any political subdivision.

Document 2618
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-11-2200

Synopsis:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas. Amendments are needed to make changes and add new WMAs.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2(NN) Sandy Island WMA

Deer		Total of up to 5 deer per season not to include more than 1 buck as prescribed.
Archery Only	Designated days or periods between Sept. 1 and Jan. 1.	1 deer per day, either-sex as announced. Hogs and Coyotes no limit.

1.2(SS) Oak Lea WMA

		Maximum of 8 deer total for all hunts as prescribed.
Archery	Designated days or periods between Aug. 15 and Jan. 1.	2 deer per day, either-sex
Still Gun Hunts	Party Hunts Hunters selected by drawing. Designated days or periods between Aug. 15 and Jan. 1.	2 deer per day, 10 per party, either-sex as announced.
Small Game		
Quail	Designated days or periods within Game Zone 9 seasons.	Game Zone 9 limits as prescribed.
Other small game	Game Zone 9 seasons but no hunting until after Jan. 1.	Game Zone 9 limits

2.8 WMA lands are closed to hunting except as permitted by these regulations. No Sunday hunting is permitted on any WMA lands. No Sunday hunting is permitted for deer, turkey or bear on private land in Game Zones 1 and 2. Small game may be hunted on Sunday on private lands during the regular game zone seasons in Game Zones 1, 2 and 4.

3.1 On all WMA lands and lands within the Central Piedmont, Western Piedmont and the Mountain Hunt Units, hunters may use any shotgun, rifle, long bow or hand gun except that specific firearms may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire firearms or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use

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buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.6 On WMA lands within the Mountain, Western Piedmont, Central Piedmont, and Francis Marion Hunt Units, Manchester State Forest WMA, S.C. Public Service Authority property of Moultrie WMA and on WMA lands in Game Zones 5, 6, 7, 8 and 10, during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no shooting from, on or across any railroad right-of-way or designated recreational trail on U.S Forest Service or S.C. Public Service Authority property and all guns must be unloaded when on the railroad right-of-way or trail.

5.2 On all WMA lands in the Central, Mountain and Western Piedmont Hunt Units beagles may not be used for rabbit hunting during still gun hunts for deer. Beagles may be used from the close of the big game season until the close of the rabbit season. Beagles may be trained for rabbit hunting from Sept. 1 - Sept. 30 (no guns).

10.4 On Designated Waterfowl Areas, no species other than waterfowl may be taken during waterfowl hunts. On Designated Dove Management Areas no species other than doves may be taken. Only dove hunting is allowed at Lake Wallace.

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

CATEGORY II WATERFOWL MANAGEMENT AREAS

Biedler Impoundment	Saturdays only during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Oak Lea WMA	Wednesdays only during Federal waterfowl season. No hunting until after Jan. 1. From legal shooting hours until 12:00 noon.	Federal Limits