

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2007 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	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates1

EXECUTIVE ORDERS

Executive Order No. 2007-1 Appointing Auditor of Greenville County2

NOTICES

**BUDGET AND CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS,
OFFICE OF ECONOMIC RESEARCH**
Form for the Collection of Revenue and Expenditure Information from Counties and Municipalities.....3

EDUCATION, STATE DEPARTMENT OF
Uniform Grading Policy.....30

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Certification of Need.....39

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Office of State Fire Marshal
Adoption of Nationally Recognized Codes.....40

DRAFTING NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF
Environmental Protection Fees 45
Individual Sewage Treatment and Disposal Systems 45
Water Classifications and Standards and Classified Waters 45

LABOR, LICENSING AND REGULATION, DEPARTMENT OF
Commissioners of Pilotage
Chapter Revision.....46

NATURAL RESOURCES, DEPARTMENT OF
Hunt Units and Wildlife Management Area Regulations47

PUBLIC SERVICE COMMISSION
Motor Vehicle Carriers47
Electric and Gas Utilities48

TABLE OF CONTENTS

PROPOSED REGULATIONS

CLEMSON UNIVERSITY

LIVESTOCK POULTRY HEALTH COMMISSION

Document No. 3108	Intrastate Movement of Certain Animals.....	49
-------------------	---	----

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 3111	Coastal Division: Permitting in Critical Areas of the Coastal Zone.....	50
Document No. 3112	Environmental Fees	54
Document No. 3113	Solid Waste Management	58
Document No. 3114	Tanning Facilities	69

INSURANCE, DEPARTMENT OF

Document No. 3115	Recognition of Preferred Mortality Tables for use in Determining Minimum Reserve Liabilities	73
Document No. 3116	Filing of Malpractice Insurance Claims with Chief Insurance Commissioner ...	76
Document No. 3117	Workers' Compensation Assigned Risk Rates	78

LABOR, LICENSING AND REGULATION, DEPARTMENT OF

Board of Dentistry

Document No. 3118	Mobile Dental Facilities and Portable Dental Operations	79
-------------------	---	----

Real Estate Appraisers Board

Document No. 3119	Education and Licensure Standards.....	81
-------------------	--	----

REVENUE, DEPARTMENT OF

Document No. 3109	Repeal 117-1720.1, Responsibilities of the Department and the Comptroller General With Respect to Property Taxation and Fees	84
Document No. 3110	Sales and Use Tax, Returned Merchandise and Restocking Fees.....	86

EMERGENCY REGULATIONS

NATURAL RESOURCES, DEPARTMENT OF

Document No. 3107	Wildlife Management Areas, Francis Marion National Forest.....	89
-------------------	--	----

FINAL REGULATIONS

EDUCATION, DEPARTMENT OF

Document No. 3098	Review Process for Homeless Children and Unaccompanied Youth	90
-------------------	--	----

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
3047		Milk Producers Tax Credit	1/15/07	Department of Agriculture
2927		The Practice of Selling and Fitting Hearing Aids	1/31/07	Department of Health and Envir Control
3057		Retail Licenses And Partnerships	2/01/07	Department of Revenue
3002		Shellfish	2/08/07	Department of Health and Envir Control
3059		Highway Advertising Control	3/06/07	Department of Transportation
3042		Practice and Procedures	3/20/07	Public Service Commission
3061		Termination of the SCAAIP Joint Underwriting Association	3/21/07	Department of Insurance
3052		Telecommunications Utilities	4/09/07	Public Service Commission
3055		Public Swimming Pools	5/09/07	Department of Health and Envir Control
3069		Air Pollution Control	5/09/07	Department of Health and Envir Control
3091		Procurement	5/09/07	Budget and Control Board
3092		Licensure CPA's & Practitioners, Registration Accounting Firms	5/09/07	LLR: Board of Accountancy
3073		Farmers Markets	5/09/07	Department of Agriculture
3063		Sewerage and Water Utilities	5/09/07	Public Service Commission
3080		Nursing Programs	5/09/07	LLR: Board of Nursing
3072		Reading, Writing, and Mathematics Objectives Grades 9-12	5/09/07	Department of Education
3090		Charter School Appeals	5/09/07	Department of Education
3089		At-Risk Students	5/09/07	Department of Education
3088		Defined Program, Grades 9-12	5/09/07	Department of Education
3087		Administrative and Professional Personnel	5/09/07	Department of Education
3084		Septic Tank Site Evaluation Fees	5/17/07	Department of Health and Envir Control
3085		Non-Game and Endangered Species	5/17/07	Department of Natural Resources
3086		Hunting in Wildlife Management Areas	5/17/07	Department of Natural Resources
3083		Air Pollution Control	5/22/07	Department of Health and Envir Control

Committee Requested Withdrawal:

3021	Penalties Noncompliance Regulated Child Care Settings	Department of Social Services
3022	Licensing of Residential Group Care Organ for Children	Department of Social Services
3056	End-of-Course Tests	Department of Education

Permanently Withdrawn: None

Resolution Introduced to Disapprove

2 EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2007-01

WHEREAS, a vacancy exists in the office of Greenville County Auditor as a result of the death of Charles Edward Haskins on September 6, 2006; and

WHEREAS, the undersigned is authorized to appoint a County Auditor in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, Scott F. Case of 430 Beckenham Lane, Greenville, South Carolina 29609, is a fit and proper person to serve as the Auditor of Greenville County and has been duly elected to the office for a term beginning July 1, 2007.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Scott F. Case as Auditor of Greenville County.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF JANUARY, 2007.**

MARK SANFORD
Governor

**SOUTH CAROLINA BUDGET AND CONTROL BOARD,
OFFICE OF RESEARCH AND STATISTICS,
OFFICE OF ECONOMIC RESEARCH**

NOTICE

Statement of Purpose

The Office of Research and Statistics announces that it has adopted the form F-65 for the collection of revenue and expenditure information from the counties and municipalities.

Section 6-1-50, Act Number 388 of 2006, as amended, requires that beginning November 15, 2006, and annually thereafter,

“counties and municipalities receiving revenues from state aid, currently known as Aid to Subdivisions, shall submit annually to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, a financial report detailing their sources of revenues, expenditures by category, indebtedness, and other information as the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, requires. The State Budget and Control Board, Office of Research and Statistics, Economic Research Section shall determine the content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, by November fifteenth of each year.”

Responses to Comments

A request for comments on the annual forms was posted in the October State Registry publication. The following are the primary comments we received and our response to those comments:

Deadline Date of November 15: Several counties and municipalities expressed concern over the November 15 deadline and the fact that many final audited reports would not be completed by that date each year. In response, we have decided to ask the General Assembly to amend Section 6-1-50 to change the deadline date from November 15 to January 15 of each year. Provided that the General Assembly amends the deadline date, the forms for FY 06-07 will be due January 15, 2008. The deadline date, originally set at February 1, 2007, for fiscal year FY 05-06 data has now been set for May 1, 2007.

Property Tax by Category (counties only): Several counties expressed concern that this information was not readily available and that retrieval could require additional programming and expense. We recognize this problem. Due to the recent legislative changes in property taxes and concern raised by the business community, we believe that this information will be needed to assess the long range impact of Act 388 and Act 402. We believe the long-term need for the information outweighs whatever incremental costs might be associated with the implementation of this form. Moreover, savings from simplification and computerization of the form will help to offset this expense.

Number of Personnel by Function: One county commented that there is no requirement to report this information and additional effort would be required to retrieve this information. Although this information was required on form F-65 submitted in previous years, we have eliminated this request from the form to provide cost savings to the counties and municipalities.

Online availability: Many counties and cities inquired as to whether or not this form would be available for online completion. In response, we have decided to post the form and instructions on the ORS website as an alternative to completing the paper form. The form, however, will not be internet based, but it will be an Excel

4 NOTICES

spreadsheet that can be downloaded, completed in Excel, and submitted via email, fax, or mail. This computerization of the form will provide additional cost savings.

Account numbering system: One county recommended numbering the line items so that counties and cities could map their accounts to the line item numbers. In response, we have placed three-digit numbers on each line item so that they may be used for mapping of accounts or for reference purposes.

Implementation of Form

Due to the delay in developing the new form, the annual forms for fiscal year FY 05-06 data will be distributed in the beginning of March 2007 to counties and municipalities for completion by the revised deadline date, May 1, 2007. Provided the General Assembly amends the deadline date in Section 6-1-50, the annual forms for future fiscal years will be distributed in mid-November to counties and municipalities for completion by the revised deadline date, January 15 of each year.

State of South Carolina 2006 Annual County Financial Report
--

County:

Please correct name and address,
if applicable

Coordinating**Agency:**

SC Budget and Control Board, Office of Research and Statistics, Office of Economic Research

Instructions:

**Please provide county data for fiscal year ended on or before
June 30, 2006. Please refer to the attached instructions for details on
completing the form. All figures should be rounded to the nearest dollar.
When completed, please return to:**

Attn: Kelli Husman
Office of Research and Statistics
Rembert C. Dennis Building, Ste. 442
1000 Assembly Street
Columbia, SC 29201-3117
Telephone: (803) 734-4641
kelli.husman@ors.sc.gov

DUE DATE: February 1, 2007

Note:

*Data supplied in this report is required by law under State Law 6-1-50.
Failure to submit this report shall result in the withholding of ten percent of
the county's current-year state aid.*

PART ONE: REVENUES

Property Tax Revenues	
010.	Total Owner Occupied* \$
020.	Total School Taxes for Owner Occupied* \$
030.	Total School Operating (all districts)* \$
040.	Agricultural (Private) \$
050.	Agricultural (Corporate) \$
060.	Commercial/Rental \$
070.	Manufacturing \$
080.	Utility \$
090.	Business Personal \$
100.	Joint Industrial Park \$
110.	Motor Carrier \$
120.	Motor Vehicle Tax \$
130.	Other Personal Property \$

* Do not include State tax relief

Local Options Revenues	
140.	Local Hospitality Tax \$
150.	Local Accommodations Tax \$
160.	Other Local Options - Capital Projects \$
170.	Other Local Options - Transportation \$

6 NOTICES

PART ONE: REVENUES (continued)

Licenses & Permits Revenues		
180.	Building, Electrical, Plumbing Permits	\$
190.	Business Licenses (include electric, cable, telecom)	\$
200.	Documentary Stamp Tax (exclude state collection) +	\$
210.	Marriage Licenses	\$
220.	Mobile Home Licenses	\$
230.	Utility Franchise Fees (gas, electric, cable, telecom)	\$
240.	Other Licenses & Permits Revenues	\$

+ Applies to all counties

Intergovernmental Revenues - Federal Grants		
250.	Community Development Block Grants	\$
260.	Department of Justice (ex. narcotics, DARE)	\$
270.	Federal Emergency Management Assistance (FEMA)	\$
280.	Correction Facility Grants	\$
290.	Health & Hospital Grants	\$
300.	Housing & Urban Development Grants	\$
310.	Human Services Grants (JTPA)	\$
320.	Library Grants	\$
330.	National Forest Fund	\$
340.	Other Federal Grant Revenues	\$

Intergovernmental Revenues - State Grants		
350.	Airport Grants	\$
360.	Alcohol & Drug Abuse Grants	\$
370.	Arts Commission Grants	\$
380.	Disaster/Emergency Relief Grants	\$
390.	Division of Local Government (SC B&CB) Grants	\$
400.	Economic Development (include Rural Development)	\$
410.	Emergency Medical Service (EMS) Grants	\$
420.	Health & Human Services Grants (no JTPA)	\$
430.	Highways & Public Transportation Grants	\$
440.	Library Aid Grants	\$
450.	Public Service Authority Grants	\$
460.	Recreational Grants	\$
470.	Sheriff Department Grants	\$
480.	Child Support Incentive/Enforcement Grants	\$
490.	Social Service Grants (i.e. Summer Feeding Program)	\$
500.	Solicitor's Fund	\$
510.	Travel & Tourism Grants	\$
520.	Veterans Affairs Grants	\$
530.	Voter Registration/Election Commission Grants	\$
540.	Other State Grant Revenues	\$

PART ONE: REVENUES (continued)

Intergovernmental Revenues - State-Shared Taxes		
550.	Local Government Fund	\$
560.	Fire Department Premium Tax	\$
570.	Broker's Premium Fire Department Tax	
580.	Statewide Accommodations Tax +	\$
590.	Direct Appropriations + **	\$
600.	Solid Waste Tire Fees +	\$
610.	Health Department - Vital Record Fees	\$
620.	Tourism Infrastructure Admissions Tax	\$
630.	Alcoholic Beverage License Fee	\$

+ Applies to all counties

** Includes tax form supplies, salary su

Intergovernmental Revenues - Other Local Governments		
640.	Highway Reimbursement	\$
650.	Contracts for Service Provision - Fire Protection	\$
660.	Other Contracts for Service Provision	\$
670.	Payment in lieu of taxes	\$
680.	Other Local Government Revenues	\$

Utility Sales Revenues (Gross Receipts)		
690.	Water System	\$
700.	Sewage System	\$
710.	Public Transit System	\$

Service Revenues & Charges (Gross Receipts)		
720.	Airport	\$
730.	Development Impact Fees	\$
740.	Emergency Medical Services (EMS)	\$
750.	Fire Protection	\$
760.	Hospital	\$
770.	Housing & Urban Renewal	\$
780.	Library	\$
790.	Motor Vehicle Fees	\$
800.	Parking Facilities (meter/garage fees and fines)	\$
810.	Recreation	\$
820.	Refuse Collection & Landfill	\$
830.	Other Service Revenues & Charges	\$

Fines & Forfeitures		
840.	Law Enforcement & Court Charges (total)	\$
841.	Fines kept by the county	\$
842.	Assessments sent to State of South Carolina	\$
843.	Victims' Rights Assessment	\$
850.	Drug Fines (include confiscation)	\$
860.	Other Fines & Forfeitures	\$

Miscellaneous Revenues		
870.	Interest Income	\$
880.	Sale of Real Property & Fixed Assets	\$
890.	Rents, Royalties, and Special Assessments	\$
900.	Other Miscellaneous Revenues	\$

8 NOTICES

PART TWO: EXPENDITURES

- Expenditures include current operations, capital purchases, and intergovernmental expenditures (see instructions)
- Purchases of real property or new construction should only be reported in "Purchase of Land & Facilities/Construction"
- Only those expenses incurred during the most recently completed fiscal year should be recorded.
- Please report personnel expenditures separate from general expenditures in the "Personnel Expenditures" section.

General Expenditures		
910.	General Government Administration	\$
920.	Public Safety (Police, Fire, Coroner, Corrections, Meters, etc.)	\$
930.	Transportation (Airports, Streets & Highways)	\$
940.	Health & Human Services (include alcohol/drug abuse, EMS, etc.)	\$
950.	Environment & Housing (inc. sanitation, code enforcement, stormwater, etc.)	\$
960.	Recreation (inc. arts/cultural activities, park/recreation, library, tourism)	\$
970.	Public Utilities (Utility Systems, Public Transit)	\$
980.	Debt Service/Interest on Debt (General Fund and Utility Systems)	\$
990.	Purchase of Land & Facilities/Construction	\$
1000.	All Other General Expenditures	\$

- Report all gross wages/salaries and fringe benefits paid to county employees during the most recently completed fiscal year.

	Personnel Expenditures	Gross Salaries (inc. fringe benefits)
1010.	General Government Administration	\$
1020.	Public Safety (Police, Fire, Coroner, Corrections, Meters, etc.)	\$
1030.	Transportation	\$
1040.	Health & Human Services	\$
1050.	Environment & Housing	\$
1060.	Recreation	\$
1070.	Public Utilities (Utility Systems, Public Transit)	\$
1080.	Other Personnel	\$

Certification: This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.

Signature of Responsible Officer: _____

Printed Name of Responsible Officer: _____

Telephone: (____) _____

Email Address: _____

Revised December 2006

ANNUAL COUNTY FINANCIAL REPORT INSTRUCTIONS (2006)

PART ONE: REVENUES

Property Taxes Revenues

Note: *The following data requests of property tax revenues by category are new for this fiscal year. If some of these property tax revenue items are absolutely unattainable, please provide your best estimate.*

- **Total Owner Occupied** - Report revenues from the collection of county taxes on owner occupied property (4% assessment) for the most recently completed fiscal year. *Do not include any state tax relief.*
 - **Total School Operating** - Report revenues from the collection of all school operating taxes levied on real and personal property for the most recently completed fiscal year. *Do not include any state tax relief.*
 - **Total School Taxes for Owner Occupied** - Report only revenues from the collection of school operating taxes levied on owner occupied property (4% assessment) for the most recently completed fiscal year. *Do not include any state tax relief.*
- **Agricultural (Private)** – Report revenues from the collection of county taxes on private agricultural real property (4% assessment) for the most recently completed fiscal year.
- **Agricultural (Corporate)** – Report revenues from the collection of county taxes on corporate agricultural real property (6% assessment) for the most recently completed fiscal year.
- **Commercial/Rental** – Report revenues from the collection of county taxes on all other real property assessed at 6% for the most recently completed fiscal year.
- **Manufacturing** - Report revenues from the collection of county property taxes on real and personal property owned by or leased to manufacturers (10.5% assessment) for the most recently completed fiscal year.
- **Utility** - Report revenues from the collection of county taxes on real and personal property owned by or leased to utilities (10.5% assessment) for the most recently completed fiscal year.
- **Business Personal** – Report revenues from the collection of county taxes on personal property owned by or leased to business establishments (10.5% assessment) for the most recently completed fiscal year.
- **Joint Industrial Park** – Report revenues from the collection of the county's portion of taxes collected on the real property of any multi-county industrial parks.
- **Motor Carrier** – Report revenues from the collection of county taxes on real and personal property owned by or leased to companies primarily engaged in transportation for hire of persons or property and used by the company in the conduct of such businesses (9.5% assessment) for the most recently completed fiscal year.
- **Motor Vehicle Tax Only** - report only revenues from the collection of county motor vehicle taxes for the most recently completed fiscal year.
- **Other Personal Property** - Report revenues from the collection of county taxes on all other personal property (i.e. recreational vehicles, boats, aircraft) for the most recently completed fiscal year.

10 NOTICES

Local Options Revenues

- **Local Hospitality Tax** - Report revenues from the local hospitality tax for the most recently completed fiscal year. The local hospitality tax is a tax on the sale of prepared meals and beverages sold in establishments or a tax on the sale of prepared meals and beverages sold in establishments licensed for on premises consumption of alcoholic beverages, beer, or wine.
- **Local Accommodations Tax** - Report revenues from the local accommodations tax for the most recently completed fiscal year.
- **Other Local Options – Capital Projects** – Report revenues from any capital project taxes collected in the most recently completed fiscal year.
- **Other Local Options – Transportation** – Report revenues from any transportation taxes collected in the most recently completed fiscal year.

Licenses and Permits Revenues

- **Building, Electrical, Plumbing Permits** - Report total revenues from county building, electrical, mechanical, gas, HVAC, and plumbing permits for the most recently completed fiscal year.
- **Business Licenses** - Report total revenues collected for all county business licenses for the most recently completed fiscal year. This item should also include revenues collected from telecommunication (Telecommunications Act of 1999), cable, and electric business licenses.
- **Documentary Stamp Tax** – Report total revenues collected for documentary stamp tax in the county for the most recently completed fiscal year. *Do not include state collection. This item applies to all counties.*
- **Marriage Licenses** – Report total revenues collected for marriage licenses in the county for the most recently completed fiscal year.
- **Mobile Home Licenses** – Report total revenues collected for mobile home licenses in the county for the most recently completed fiscal year.
- **Utility Franchise Fees** - Report total revenues resulting from any county utility franchise fees paid for the most recently completed fiscal year, including gas, electric, cable and telecommunications.
- **Other Licenses & Permits** – Report total fees collected from any other licensing or permitting activity in the county for the most recently completed fiscal year. (i.e. yard sale permits, recreational event permits)

Intergovernmental Revenues – Federal Grants

Report the full total of grants received by the county from the federal government during the most recently completed fiscal year. These grants may include, but are not limited to: Community Development Block grants, Department of Justice grants (DARE and/or narcotics enforcement), Federal Emergency Management Assistance (FEMA) grants, correction facility grants, health & hospital grants, housing or urban development grants, human services grants (Job Training Partnership Act (JTPA)), library grants, National Forest Fund, and any other grants received from the federal government.

It is often difficult to know with certainty the source of grants funds for the reasons stated in the above section, "Intergovernmental Revenues – State Grants". If you have difficulty determining the source of grant funds, contact your regional council of governments for assistance.

Do not include any matching funds and exclude any grant administration costs paid from county or state funds.

Intergovernmental Revenues – State Grants

Report the full grant totals received by the county from the State of South Carolina during the most recently completed fiscal year. Grants from the State of South Carolina may be difficult to discern. Some grants awarded to counties have joint participation by the state and federal governments (i.e., a \$1 million hospital grant may be comprised of \$500,000 of federal money and \$500,000 of state money). If you determine that to be the case, report the portion of the grant coming from the State of South Carolina in this section and the amount coming from the Federal government in the following section entitled "Intergovernmental Revenues – Federal Sources". *It is important that only state grants be reported in this section.* If you have difficulty determining the source of grant funds, contact your regional council of governments for assistance.

Do not include any matching funds and exclude any grant administration costs paid from county funds.

Intergovernmental Revenues – State-Shared Taxes

Report the county revenue that derives from state aid to political subdivisions in the following six items. These payments are made quarterly. Therefore, the most recently completed fiscal year should reflect four quarters of state shared tax revenue.

- **Local Government Fund** – Report the county's revenue from the Local Government Fund for the most recently completed fiscal year. This state shared revenue amount replaces the funds which counties previously received from the alcoholic liquors tax, bank tax, beer & wine tax, income tax, brokers premium tax, and motor transport tax.
- **Fire Department Premium Tax** - Report the county's revenues from the fire department premium tax for the most recently completed fiscal year.
- **Broker's Premium Fire Department Tax** - Report the county's revenues from the fire department premium tax for the most recently completed fiscal year.
- **Statewide Accommodations Tax** - Report the county's revenue from the state accommodations tax for the most recently completed fiscal year. *This item applies to all counties.*
- **Direct Appropriations** - Report the county's revenues from the state to the county through direct appropriations. *This includes tax forms and supplies, and salary supplements. This applies to all counties.*
- **Solid Waste Tire Fees** – Report the county's revenues from the solid waste tire fees. *This applies to all counties.*
- **Health Department - Vital Record Fees** – Report the revenue received by the county from the state vital record fees. Include payments for birth certificates and/or payment for copies of vital records for the most recently completed year.
- **Tourism Infrastructure Admissions Tax** (SC Code of Laws 12-21-6530) - Report the revenue received by the county from the state for the tourism infrastructure admissions tax for the most recently completed fiscal year.
- **Alcoholic Beverage License Fees** – Report the revenue received by the county from the state for the alcoholic beverage licenses fee for the most recently completed fiscal year.

12 NOTICES

Intergovernmental Revenues – Other Local Governments

- **Highway Reimbursement** – Report any payments from other local governments (county or municipal) for their participation in highway, road, or street construction and/or maintenance. *State and federal monies for highways and streets should not appear in this item.* Report only the payments received during the most recently completed fiscal year.
- **Contracts for Service Provision – Fire Protection** - Report any payments which the county received from another county, municipality, or special purpose district for the provision of fire protection services. Report revenues received only for the most recently completed fiscal year, regardless of the terms or duration of the contract.
- **Other Contracts for Service Provision** - Describe any other contract the county may have with another county, municipality, or special purpose district for the provision of a service and report the revenue to the county for that contract in these items. Report revenues received only for the most recently completed fiscal year regardless of the terms or duration of the contract. For example, if the county is under contract to provide garbage pickup for a short time to a nearby special purpose district and the contract is paid in a lump sum, report the full contract amount if it was paid during the most recently completed fiscal year.
- **Payment in lieu of taxes** - Report any amounts paid by local governments in-lieu of county property taxes (e.g., payments from a housing authority). Report only those payments that have been received during the most recently completed fiscal year.
- **Other Local Government Revenues** - Report any other payments received from another local government for any purpose not included in the previous items of this section. Specify the purpose for which payments were received.

Utility Sales Revenues (Gross Receipts)

When completing this section, do not subtract any kind of operating expenses from total revenues. Each item is intended to reflect gross revenues.

- **Water System** - Report all revenues received from the sale of water services to public and private users for the most recently completed fiscal year. *Include any revenues that may be generated from sales of services outside the county. Please include any deposits, tap fees, sales of water systems and equipment (i.e. water meters).*
- **Sewage System** – Report all revenues received from the sale of sewage service to public or private users for the most recently completed fiscal year. *Include any revenues that may be generated from sale of services outside the county. Please include any deposits, tap fees, sales of sewage systems and equipment.*
- **Public Transit System** – Report all revenues received from the operation of any county transportation system (i.e. buses) for the most recently completed fiscal year.

Service Revenues & Charges (Gross Receipts)

When completing this section, do not subtract any kind of operating expenses from total revenues. Each item is intended to reflect gross revenues.

- **Airport** - Report all revenues from the operation of any county airport for the most recently completed fiscal year.

- **Development Impact Fees** - Report all revenues from development impact fees collected by the county for the most recently completed fiscal year. *Do not report water or sewer tap fees as development impact fees.* Tap fees should be reported as revenue from the operation of the water/sewage systems.
- **Emergency Medical Services** - Report all revenues from the operation of county emergency medical services (EMS). *Do not subtract the cost of operating emergency medical vehicles or equipment.* Sum all patient care and transportation fees collected from emergency medical service and report the total in this item.
- **Fire Protection** - Report all revenues from county fire protection services. Include safety inspections done by county fire departments. *Do not include payments by other local governments for fire protection.*
- **Hospital** – Report all revenues from the operation of any county hospitals. *Do not subtract costs of hospital operation from the total.* Sum patient payments, revenues from laboratory facilities, and any other revenue generated from the operation of a county hospital. *Do not report revenues from emergency medical service (EMS) operations in this item.*
- **Housing & Urban Renewal** - Report all revenues from the operation of county housing or urban renewal projects for the most recently completed fiscal year. *Do not subtract maintenance or any other cost associated with the operation of a county housing project from total revenues.*
- **Library** – Report all revenues generated by library charges for the most recently completed fiscal year. Include fees for copying materials.
- **Motor Vehicle Fees** – Report all motor vehicle fees for the latest fiscal year.
- **Parking Facilities** - Report all county parking facilities charges for the most recently completed fiscal year. This item should include all revenues from any county parking garages, garage services, parking meters and parking violations.
- **Recreation** - Report all revenues from any county recreation facility for the most recently completed fiscal year. Include tennis court revenues, swimming pool revenues, rental fees for picnic shelters, golf course revenues, and entrance fees at county parks. *Do not subtract any maintenance costs from the total.*
- **Refuse Collection & Landfill** - Report all refuse and landfill revenues from the most recently completed fiscal year. Include service charges for refuse collection and tipping fees for any county landfill.
- **Other Service Revenues & Charges** - Report other service revenues collected by the county that are not included in any of the preceding items.

Law Enforcement & County Court Charges

- **Law Enforcement & County Court Charges** - Report all law enforcement and legal charges for the most recently completed fiscal year. This item should include court charges, probate judge fees, clerk of court fees, family court fees, magistrate fines and recorder fees, and fees for police accident report charges. *Do not report revenues from parking violations in this item.* This item should be a total of three subcategories: fines kept by the county, assessments sent to the State, and Victims' Rights Assessments.
- **Drug Fines** – Report all revenues from drug fines collected by the county for the most recently completed fiscal year. *Include confiscation kept by the county.*

14 NOTICES

- **Other Fines & Forfeitures** – Report other fines and forfeitures collected by the county that are not included in any of the preceding items.

Miscellaneous Revenues

- **Interest Income** - Report the interest earnings on county investments that accrued during the most recently completed fiscal year. Include both short term interest earnings such as those on savings accounts as well as long term earnings on instruments such as federal securities and savings bonds.
- **Sales of Real Property & Fixed Assets** - Report proceeds from the sale of real property and fixed assets. *Do not include proceeds from the sale of bonds, notes and investments.*
- **Rents, Royalties, and Special Assessments** - Report revenues from rents, royalties and special assessments.
- **Other Miscellaneous Revenues** - Report other revenues which do not fit any of the other categories described above.

PART TWO: EXPENDITURES

Expenditures include current operations, capital purchases, and intergovernmental expenditures.

Current operations are the day-to-day operating expenses for the different components of county government. ***This does not include personnel costs (wages/salaries). Personnel expenditures are to be reported separately.*** Some typical operating expenses would include rent, utility bills, travel, training, motor fuels, maintenance costs, paper, computer disks, routine office supplies, service contracts for office equipment, and other contractual agreements, such as leases. Contractual agreements would also include contracts for services with law firms, engineers, architects, accounting firms, and other service contracts. Small item purchases such as pencil sharpeners, paper cutters, and reference books should also be considered current operating expenses although they may be used for many years. *Record only those items purchased during the most recently completed fiscal year.*

Capital purchases – include items that will be used for several budget years. Common examples are office furniture, computers, typewriters, copier machines (bought, not leased), vehicles (bought, not leased), and heavy machinery (bought, not leased). *Do not include the purchase of real property or new construction in this section. Only those expenses incurred during the most recently completed fiscal year should be recorded.*

Intergovernmental expenditures – include payments to other governments, between counties, between a county and a municipality, or a county and a special purpose district. Payments for fire protection services, road maintenance, hospitals, etc., made to another government should be reported. Record only those payments made during the most recently completed fiscal year.

Some types of expenditures may not be applicable to your county. On the other hand, your county may have expenditures that are not listed. When an expenditure is not applicable to your county, leave that item blank. If your county has an expenditure that is not listed, look for a category that might reasonably encompass that activity.

Because each county has a different operating structure, placement of expenditures will vary to some degree. However, if care is taken to place expenditure amounts in the most appropriate categories for your county structure, the presentation of the data will accurately reflect the kinds of expenditures that take place in the county.

General Expenditures

- **General Government Administration** - Report total current operation, capital purchase, and intergovernmental expenses for the following items:

Central Administration – (ex. county council, county administrator, legislative delegation, registrar of mesne conveyance)

County Buildings – (ex. maintenance, janitorial, operating expenditures for county buildings)

Economic Development – expenditures related to county economic development activities

Financial Administration – (ex. Auditor, treasurer, tax collector, tax assessor, finance director, other finance related activities)

Judicial & Legal - (ex. county attorneys, county court administration, magistrates, clerk of court, law library, other judicial activities)

Planning & Zoning – expenditures related to county planning and zoning activities.

Engineering - expenditures for a separate county engineering department which provides engineering services to

other county activities such as streets or utilities

Registration & Elections - expenditures related to voter registration and elections

Other Support services – expenditures related to other county activities which primarily serve to support county service delivery functions. This includes such activities as personnel administration, a county vehicle maintenance division, purchasing department, county printing operations, data processing, etc.

- **Public Safety** - Report total current operation, capital purchase, and intergovernmental expenditures for the following items:
 - Animal protection
 - Emergency preparedness
 - Coroner
 - Correction, including jails, probation and parole
 - Fire protection
 - Law enforcement
 - Parking meters
 - Victims' rights
 - Other public safety
- **Transportation** - Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Airports
 - Streets & Highways (Sidewalks, lights, etc.)
- **Health & Human Services** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Alcohol/Drug Abuse services
 - Emergency Medical Services (EMS)
 - Health Department
 - Hospitals
 - Mental Health
 - Mental Retardation
 - Payment to Indigent Care
 - Public Welfare
 - Veterans' Affairs
 - Other Health Services

16 NOTICES

- **Environment & Housing** - Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Building inspection
 - Stormwater/Drainage
 - Environmental protection/natural resources
 - Housing & community development
 - Refuse collection/Refuse disposal

- **Recreation** - Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Library
 - Parks & Recreation, including museums, theater, bands, marinas, etc.
 - Tourism

- **Public Utilities** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Water and sewage systems
 - Public transit systems

- **Debt Service/Interest on Debt** – Report total current operation and intergovernmental expenditures related to following:
 - General Fund Debt
 - Utility Systems Debt
 - Public Transit Debt
 - Other Debt

- **Purchase of Land and Facilities/Construction** – When real property is purchased and/or construction takes place for a county function, those expenditures should be reported under this category. Facility construction may take place either at a new site or different facility or at an existing site or facility. If an existing county building has been expanded to create a meeting room, it is considered to be facility construction. *New carpet and furniture for that meeting room is not part of facility construction costs and should be reported as a capital purchase expenditure.* All major renovations such as a new roof should be considered facility construction. Only those expenses incurred during the most recently completed fiscal year should be recorded.

- **Other General Expenditures** - Report total other general current operation, capital purchase, and intergovernmental expenditures not listed in the preceding items:
 - Refunds
 - Technical Schools
 - Unallocated Employee Fringe Benefits
 - Unallocated Employee Retirement Contributions

PERSONNEL EXPENDITURES

Report all gross wages, gross salaries, and fringe benefits paid to county employees during the most recently completed fiscal year. Report the actual amount paid, not the authorized salary of the positions, whether vacant or filled. If the employee's salary is divided between two categories, report the actual annual expenditures for the employee in each category. Bonuses and other forms of compensation (e.g. payment per fire call) should also be reported. Include per item amounts or salaries paid to board, commission, or council members.

18 NOTICES

**State of South Carolina
2006 Annual Municipal Financial Report**

Municipality:

Please correct name and address, if applicable

Coordinating Agency: SC Budget and Control Board, Office of Research and Statistics, Office of Economic Research

Instructions: Please provide municipal data for fiscal year ended on or before **June 30, 2006**. Please refer to the attached instructions for details on completing the form. All figures should be rounded to the nearest dollar.
When completed, please return to:

Attn: Kelli Husman
Office of Research and Statistics
Rembert C. Dennis Building, Ste. 442
1000 Assembly Street
Columbia, SC 29201-3117
Telephone: (803) 734-4641
kelli.husman@ors.sc.gov

DUE DATE: February 1, 2007

Note: Data supplied in this report is required by law under State Law 6-1-50. Failure to submit this report shall result in the withholding of ten percent of the municipality's current-year state aid.

PART ONE: REVENUES

Property Tax Revenues		
010.	Real Property Taxes*	\$
020.	Personal Property Taxes (include Motor Vehicle Tax)	\$
030.	Motor Vehicle Tax Only	\$
040.	Delinquent Property Taxes Collected	\$
050.	Penalties & Interest on Taxes	\$
060.	Reimbursements for Homestead Exemptions	\$
070.	Manufacturers' Depreciation Reimbursement	\$
080.	Tax Increment Financing District (TIF)	\$
090.	Municipal Improvement District	\$
100.	Fees in Lieu of Property Tax	\$

* exclude homestead exemptions

Local Options Revenues		
110.	Local Option Sales Tax	\$
120.	Other Local Option Sales Tax - Capital Projects	\$
130.	Other Local Option Sales Tax - Transportation	\$
140.	Local Hospitality Tax	\$
150.	Local Accommodations Tax	\$

PART ONE: REVENUES (continued)

Licenses & Permits Revenues	
160.	Business Licenses (including cable, electric, & telecommunications**) \$
170.	Permits (including building, electrical, mechanical, gas, plumbing, HVAC) \$
180.	Utility Franchise Fees (gas, electric, cable, telecom) \$
190.	Other License & Permit Revenues \$

** Revenues collected under the Telecommunications Act of 1999

Utility Sales Revenues (Gross Receipts)	
200.	Electrical Power Systems \$
210.	Natural Gas System \$
220.	Water System \$
230.	Sewage System \$
240.	Public Transit System \$

Service Revenues & Charges (Gross Receipts)	
250.	Airport \$
260.	Development Impact Fees \$
270.	Emergency Medical Services \$
280.	Fire Protection \$
290.	Housing & Urban Renewal \$
300.	Parking Facilities (meter/garage fees and fines) \$
310.	Recreation \$
320.	Refuse Collection & Landfill \$
330.	Stormwater Fees \$
340.	Other Service Revenues & Charges \$

Fines & Forfeitures	
350.	Law Enforcement & Municipal Court Charges (total) \$
351.	Fines kept by the municipality \$
352.	Assessments sent to the State \$
353.	Victims' Rights Assessments \$
360.	Other Fines & Forfeitures \$

Miscellaneous Revenues	
370.	Interest Income \$
380.	Sale of Real Property & Fixed Assets \$
390.	Rents, Royalties, and Special Assessments \$
400.	Other Miscellaneous Revenues \$

Intergovernmental Revenue - State-Shared Taxes	
410.	Local Government Fund \$
420.	Statewide Accommodations Tax \$
430.	Merchants' Inventory Tax \$
440.	Motor Carrier Property Tax + \$
450.	Tourism Infrastructure Admissions Tax ++ \$
460.	Alcoholic Beverage Licenses/Permits \$

+State Law 12-37-2810

++ State Law 12-21-6530

20 NOTICES

PART ONE: REVENUES (continued)

Intergovernmental Revenues - Federal Grants		
470.	Community Development Block Grants	\$
480.	Department of Justice (examples: narcotics, DARE)	\$
490.	Economic Development Administration (EDA)	\$
500.	Environmental Protection Agency (EPA)	\$
510.	Federal Emergency Management Assistance (FEMA)	\$
520.	Housing & Urban Development Grants	\$
530.	Human Service (JTPA) Grants	\$
540.	Other Federal Grants	\$

Intergovernmental Revenues - State Grants		
550.	Airport Grants	\$
560.	Alcohol & Drug Abuse Grants	\$
570.	Arts Commission Grants	\$
580.	Disaster/Emergency Relief Grants	\$
590.	Division of Local Government (SC B&CB) Grants	\$
600.	Emergency Medical Service (EMS) Grants	\$
610.	Health & Human Services Grants (no JTPA)	\$
620.	Highways & Public Transportation Grants	\$
630.	Public Safety/Victim's Assistance Grants	\$
640.	Recreation & Tourism Grants	\$
650.	Social Services (i.e. Summer Feeding Program)	\$
660.	Other State Grants	\$

Intergovernmental Revenues - Other Local Governments		
670.	Highway Reimbursement	\$
680.	Housing & Urban Development	\$
690.	Contracts for Service Provision - Fire Protection	\$
700.	Other Contracts for Service Provision	\$
710.	Payment in lieu of taxes	\$
720.	Other Local Government Revenues	\$

PART TWO: EXPENDITURES

- Expenditures include current operations, capital purchases, and intergovernmental expenditures (see instructions)
- Purchases of real property or new construction should only be reported in "Purchase of Land & Facilities/Construction"
- Only those expenses incurred during the most recently completed fiscal year should be reported.
- Please report personnel expenditures separate from general expenditures in the "Personnel Expenditures" section.

General Expenditures		
730.	General Government Administration	\$
740.	Public Safety (Police, Fire, Corrections, Meters, Victims' Rights, etc.)	\$
750.	Transportation (Airport, Parking Facilities, Streets & Highways)	\$
760.	Health & Human Services (include alcohol/drug abuse, EMS, etc.)	\$
770.	Environment/Housing (inc. sanitation, code enforcement, stormwater, etc.)	\$
780.	Recreation (inc. arts/cultural activities, park/recreation, library, tourism)	\$
790.	Public Utilities (Utility Systems, Public Transit)	\$
800.	Debt Service/Interest on Debt (General Fund and Utility Systems)	\$
810.	Purchase of Land & Facilities/Construction	\$
820.	Other General Expenditures	\$

PART TWO: EXPENDITURES (continued)

- Report all gross wages/salaries and fringe benefits paid to municipal employees during the most recently completed fiscal year.

	Personnel Expenditures	Gross Salaries & Wages (including fringe benefits)
830.	General Government Administration	\$
840.	Public Safety (Police, Fire, Corrections, Meters, Victims' Rights, etc.)	\$
850.	Transportation	\$
860.	Health & Human Services	\$
870.	Environment & Housing	\$
880.	Recreation	\$
890.	Public Utilities (Utility Systems, Public Transit)	\$
900.	Other Personnel	\$

Certification: This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.

Signature of Responsible Officer: _____

Printed Name of Responsible Officer: _____

Telephone: (____) _____

Email Address: _____

Revised December 2006

ANNUAL MUNICIPAL FINANCIAL REPORT INSTRUCTIONS (2006)

PART ONE: REVENUES

Current Property Taxes Revenues

In this section, report only those taxes and fees collected for municipal purposes. If the municipality collects taxes for any other political subdivisions such as school districts or special districts, those funds should *not* be reported on this form. Do not include the state reimbursement of merchants' inventory tax in this section. (see *Intergovernmental Revenues – State Shared Taxes*)

- **Real Property Taxes** - Report revenues from the collection of municipal taxes on real property, including residential, commercial, and mobile homes, for the most recently completed fiscal year. Do not include the reimbursement from the state for the homestead exemption.
- **Personal Property Taxes** - Report revenues from the collection of municipal taxes on personal property, including cars, trucks, motorcycles, recreational vehicles, boats, aircraft and business furniture, fixtures and equipment for the most recently completed fiscal year.
- **Motor Vehicle Taxes Only** - report only revenues from the collection of motor vehicle taxes for the most recently completed fiscal year.
- **Delinquent Property Taxes Collected** – Report the collected amount of delinquent municipal property taxes on real and personal property collected for the most recently completed fiscal year Do not include late penalties and interest on those delinquent taxes.
- **Penalties & Interest on Taxes** - Report penalties imposed on late taxes and interest paid on late taxes, both real and personal property, for the most recently completed fiscal year.
- **Reimbursements for Homestead Exemptions** - Report the amount of reimbursement paid to the municipality by the state for the exemption of municipal property taxes under the homestead exemption for the most recently completed fiscal year.
- **Manufacturers' Depreciation Reimbursement** - Report the amount of reimbursement paid to the municipality by the state for the manufacturer's reimbursement program for the most recently completed fiscal year.
- **Tax Increment Financing Districts (TIF)** – Report the collection of municipal taxes on tax increment financing district properties for the most recently completed fiscal year.
- **Municipal Improvement Districts** – Report the collection of municipal taxes on municipal improvement district properties for the most recently completed fiscal year.
- **Fee-in-Lieu of Property Taxes** – Report in-lieu payments collected from businesses toward municipal property taxes during the most recently completed fiscal year. Do not report in-lieu payments from other governmental entities (i.e. housing authority) in this section. Payments in-lieu of taxes from other governments should be reported in "Intergovernmental Revenues – Other Local Governments"

Local Options Revenues

- **Local Options Sales Tax** - Report revenues from the local option sales tax for the most recently completed fiscal year.

- **Other Local Options Tax – Capital Projects** – Report revenues from any capital project taxes collected in the most recently completed fiscal year.
- **Other Local Options Tax – Transportation** – Report revenues from any transportation taxes collected in the most recently completed fiscal year.
- **Local Hospitality Tax** - Report revenues from the local hospitality tax for the most recently completed fiscal year. The local hospitality tax is a tax on the sale of prepared meals and beverages sold in establishments or a tax on the sale of prepared meals and beverages sold in establishments licensed for on premises consumption of alcoholic beverages, beer, or wine.
- **Local Accommodations Tax** - Report revenues from the local accommodations tax for the most recently completed fiscal year.

Licenses and Permits Revenues

- **Business Licenses** - Report total revenues collected for all business licenses in the municipality for the most recently completed fiscal year. This item should also include revenues collected from telecommunication (Telecommunications Act of 1999), cable, and electric business licenses.
- **Permits** - Report total revenues from building, electrical, mechanical, gas, HVAC, and plumbing permits for the most recently completed fiscal year.
- **Utility Franchise Fees** - Report total revenues resulting from any utility franchise fees paid for the most recently completed fiscal year, including gas, electric, cable and telecommunications.
- **Other License & Permit Revenues** – Report total fees collected from any other licensing or permitting activity in the municipality for the most recently completed fiscal year. (Examples include yard sale permits and recreational event permits)

Utility Sales Revenues (Gross Receipts)

When completing this section, do not subtract any kind of operating expenses from total revenues. Each item is intended to reflect gross revenues.

- **Electrical Power System** - Report all revenues received from the sale of electrical power to public and private users for the most recently completed fiscal year. *Include any revenues that may be generated from sale of services outside the corporate limits. Please include any deposits, tap fees, sales of water systems and equipment (i.e. water meters).*
- **Natural Gas System** - Report all revenues received from the sale of natural gas to public and private users for the most recently completed fiscal year. *Include any revenues that may be generated from sale of services outside the corporate limits.*
- **Water System** - Report all revenues received from the sale of water services to public and private users for the most recently completed fiscal year. *Include any revenues that may be generated from sale of services outside the corporate limits. Please include any deposits, tap fees, sales of water systems and equipment (i.e. water meters).*
- **Sewage System** – Report all revenues received from the sale of sewage service to public or private users for the most recently completed fiscal year. *Include any revenues that may be generated from sale of services outside the corporate limits. Please include any deposits, tap fees, sales of sewage systems and equipment.*
- **Public Transportation System** - Report all revenues received from the operation of any municipal transportation system (i.e., buses) for the most recently completed fiscal year.

24 NOTICES

Service Revenues (Gross Receipts)

When completing this section, do not subtract any kind of operating expenses from total revenues. Each item is intended to reflect gross revenues.

- **Airport** - Report all revenues from the operation of any municipal airport. *Do not subtract the cost of operating the airport.*
- **Development Impact Fees** - Report all revenues from development impact fees collected by the city for the most recently completed fiscal year. *Do not report water or sewer tap fees as development impact fees.* Tap fees should be reported as revenue from the operation of the water/sewer system.
- **Emergency Medical Services** - Report all revenues from the operation of a municipal emergency medical service (EMS). *Do not subtract the cost of operating emergency medical vehicles or equipment.* Sum all patient care and transportation fees collected from emergency medical service and report the total in this item.
- **Fire Protection** - Report all revenues from municipal fire protection services. Include safety inspections done by the municipal fire department. *Do not include payments by other local governments for fire protection.*
- **Housing & Urban Renewal** - Report all revenues from the operation of municipal housing or urban renewal projects for the most recently completed fiscal year. *Do not subtract maintenance or any other cost associated with the operation of a municipal housing project from total revenues.*
- **Parking Facilities** - Report all parking facilities charges for the most recently completed fiscal year. This item should include all revenues from any municipal parking garage, garage services, parking meters and revenues from parking violations.
- **Recreation** - Report all revenues from any municipal recreation facility for the most recently completed fiscal year. Include tennis court revenues, swimming pool revenues, rental fees for picnic shelters, golf course revenues, and entrance fees at municipal parks. *Do not subtract any maintenance costs from the total.*
- **Refuse Collection & Landfill** - Report all refuse and landfill revenues from the most recently completed fiscal year. Include service charges for refuse collection and tipping fees for any municipal landfill.
- **Stormwater Fees** – Report all revenues from stormwater fees for the most recently completed fiscal year.
- **Other Service Revenues & Charges** - Report other service revenues collected by the municipality that are not included in any of the preceding items.

Fines & Forfeitures Revenues

- **Law Enforcement & Municipal Court Charges** - Report all law enforcement and legal charges for the most recently completed fiscal year. This item should include municipal court revenues, magistrate fines and recorder fees, and fees for police accident report charges. *Do not report revenues from parking violations in this item.* This item should be a total of three subcategories: fines kept by the municipality, assessments sent to the State, and Victims' Rights Assessments.
- **Other Fines & Forfeitures** - Report other fines and forfeitures collected by the municipality that are not included in any of the preceding items

Miscellaneous Revenues

- **Interest Income** - Report the interest earnings on municipal investments that accrued during the most recently completed fiscal year. Include both short term interest earnings such as those on savings accounts as well as long term earnings on instruments such as federal securities and savings bonds.
- **Sales of Real Property & Fixed Assets** - Report proceeds from the sale of real property and fixed assets. *Do not include proceeds from the sale of bonds, notes and investments.*
- **Rents, Royalties, and Special Assessments** - Report revenues from rents, royalties and special assessments.
- **Other Miscellaneous Revenues** - Report other revenues which do not fit any of the other categories described above.

Intergovernmental Revenues – State-Shared Taxes

Report the municipal revenue that derives from state aid to political subdivisions in the following six items. These payments are made quarterly. Therefore, the most recently completed fiscal year should reflect four quarters of state shared tax revenue. Because municipal fiscal years vary from jurisdiction, this information cannot be taken directly from state records.

- **Local Government Fund** – Report the municipality’s revenue from the Local Government Fund for the most recently completed fiscal year. This state shared revenue amount replaces the funds which municipalities previously received from the alcoholic liquors tax, bank tax, beer & wine tax, income tax, brokers premium tax, and motor transport tax.
- **Statewide Accommodations Tax** - Report the municipality's revenue from the state accommodations tax for the most recently completed fiscal year.
- **Merchants’ Inventory Tax** – Report the municipality's revenue from the state reimbursement of foregone merchants’ inventory tax for the most recently completed fiscal year.
- **Motor Carrier Property Tax** (SC Code of Laws 12-37-2810) - Report the municipality’s revenue from the state for the motor carrier property tax for the most recently completed fiscal year.
- **Tourism Infrastructure Admissions Tax** (SC Code of Laws 12-21-6530) - Report the municipality’s revenue from the state for the tourism infrastructure admissions tax for the most recently completed fiscal year.
- **Alcoholic Beverage License Fees** – Report the municipality’s revenue from the state for the alcoholic beverage licenses fee for the most recently completed fiscal year.

Intergovernmental Revenues – Federal Grants

Report the full grant totals received by the municipality from the federal government during the most recently completed fiscal year. These grants may include, but are not limited to: Community Development Block grants, Department of Justice grants (DARE and/or narcotics enforcement), Economic Development Administration (EPA) grants, Federal Emergency Management Assistance (FEMA) grants, housing or urban development grants, human services grants (Job Training Partnership Act (JTPA)), and any other grants received from the federal government. It is often difficult to know with certainty the source of grants funds for the reasons stated in the following section, “Intergovernmental Revenues – State Grants”. If you have difficulty determining the source of grant funds, contact your regional council of governments for assistance.

26 NOTICES

Do not include any matching funds and exclude any grant administration costs paid from municipal or state funds.

Intergovernmental Revenues – State Grants

Report the full grant totals received by the municipality from the State of South Carolina during the most recently completed fiscal year. Grants from the State of South Carolina may be difficult to discern. Some grants awarded to municipalities have joint participation by the state and federal governments (i.e., a \$1 million hospital grant may be comprised of \$500,000 of federal money and \$500,000 of state money). If you determine that to be the case, report the portion of the grant coming from the State of South Carolina in this section and the amount coming from the Federal government in the following section entitled "Intergovernmental Revenues – Federal Sources". *It is important that only state grants be reported in this section.* If you have difficulty determining the source of grant funds, contact your regional council of governments for assistance.

Do not include any matching funds and exclude any grant administration costs paid from municipal funds.

Intergovernmental Revenues – Other Local Governments

- **Highway Reimbursement** – Report any payments from other local governments (municipal or county) for their participation in highway, road, or street construction and/or maintenance. State and federal monies for highways and streets should not appear in this item. Report only the payments received during the most recently completed fiscal year.
- **Housing & Urban Development** – Report any payments from other local governments (municipal or county) for their participation in a municipal housing or urban development program. State and federal monies for public housing should not appear in this item. Report only the payments received during the most recently completed fiscal year.
- **Contracts for Service Provision – Fire Protection** - Report any payments which the municipality receives from another municipality, county, or special purpose district for the provision of fire protection services. Report revenues received only for the most recently completed fiscal year, regardless of the terms or duration of the contract.
- **Other Contracts for Service Provision** – Describe any other contracts the municipality may have with another municipality, county, or special purpose district for the provision of a service and report the revenue to the municipality for that contract in these items. Report revenues received only for the most recently completed fiscal year regardless of the terms or duration of the contract. For example, if your municipality is paid a monthly fee to provide fire protection to several small towns, report the total fees collected during the most recently completed fiscal year. If the municipality is under contract to provide garbage pickup for a short time to a nearby special purpose district and the contract is paid in a lump sum, report the full contract amount if it was paid during the most recently completed fiscal year.
- **Payment in lieu of taxes** - Report any amounts paid by local governments in-lieu of municipal property taxes (e.g., payments from a housing authority). Report only those payments that have been received during the most recently completed fiscal year.
- **Other Local Government Revenues** - Report any other payments received from another local government for any purpose not included in the previous items of this section. Specify the purpose for which payments were received.

PART TWO: EXPENDITURES

Expenditures should include current operations, capital purchases, and intergovernmental expenditures.

Current operations are the day-to-day operating expenses for the different components of municipal government. ***This does not include personnel costs (wages/salaries). Personnel expenditures are to be reported separately.*** Some typical operating expenses would include rent, utility bills, travel, training, motor fuels, maintenance costs, paper, computer disks, office supplies, service contracts for office equipment, and other contractual agreements, such as leases. Contractual agreements would also include contracts for services with law firms, engineers, architects, accounting firms, and other service contracts. Small item purchases such as pencil sharpeners, paper cutters, and reference books should also be considered current operating expenses although they may be used for many years. *Record only those items purchased during the most recently completed fiscal year.*

Capital purchases – include items that will be used for several budget years. Common examples are office furniture, computers, typewriters, copier machines (bought, not leased), vehicles (bought, not leased), and heavy machinery (bought, not leased). *Do not include the purchase of real property or new construction in this section. Only those expenses incurred during the most recently completed fiscal year should be recorded.*

Intergovernmental expenditures – include payments to other governments, between cities, between a municipality and a county, or a municipality and a special purpose district. Payments for fire protection services, road maintenance, hospitals, etc., made to another government should be reported. Record only those payments made during the most recently completed fiscal year.

Some types of expenditures may not be applicable to your municipality. On the other hand, your municipality may have expenditures that are not listed. When an expenditure is not applicable to your municipality, leave that item blank. If your municipality has an expenditure that is not listed, look for a category that might reasonably encompass that activity.

Because each municipality has a different operating structure, placement of expenditures will vary to some degree. However, if care is taken to place expenditure amounts in the most appropriate categories for your municipal structure, the presentation of the data will accurately reflect the kinds of expenditures that take place in the municipality.

GENERAL EXPENDITURES

- **General Government Administration** - Report total current operation, capital purchase, and intergovernmental expenses for the following:

Central Administration – (ex. City council, city administrator, city clerk)

Municipal Buildings – (ex. maintenance, janitorial and operating expenditures for municipal buildings)

Economic Development – expenditures related to economic development activities

Financial Administration – (ex. finance director and other finance related activities)

Judicial & Legal - (ex. municipal attorneys, court administration, magistrates, law library, and other judicial activities)

Planning & Zoning – expenditures related to municipal planning and zoning

Engineering - expenditures for a separate municipal engineering department which provides engineering services to other municipal activities

Registration & Elections - expenditures related to voter registration and elections

Other Support services – expenditures related to other municipal activities which primarily serve to support municipal service delivery functions. This includes such activities as personnel administration, a municipal vehicle maintenance division, purchasing department, municipal printing operations, data processing, etc.

28 NOTICES

- **Public Safety** - Report total current operation, capital purchase, and intergovernmental expenditures for the following items:
 - Animal protection
 - Emergency preparedness
 - Correction, including jails, probation, and parole
 - Fire protection
 - Law enforcement
 - Parking meters
 - Victims' rights
 - Other public safety

- **Transportation** - Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Airports
 - Streets & Highways (Sidewalks, lights, etc.)

- **Health & Human Services** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Alcohol & drug abuse
 - Emergency Medical Services (EMS)
 - Other health services

- **Environment & Housing** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Building inspection
 - Stormwater/Drainage
 - Environmental protection/natural resources
 - Housing & community development
 - Refuse collection/Refuse disposal

- **Recreation** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Library
 - Parks & Recreation, including museums, theater, bands, marinas, etc.
 - Tourism

- **Public Utilities** – Report total current operation, capital purchase, and intergovernmental expenditures related to the following items:
 - Water and sewage system
 - Public transit system

- **Debt Service/Interest on Debt** – Report total current operation and intergovernmental expenditures related to following:
 - General Fund Debt
 - Utility Systems Debt
 - Public Transit Debt
 - Other Debt

- **Purchase of Land and Facilities/Construction** - When real property is purchased and/or construction takes place for a municipal function, those expenditures should be reported under this category. Facility construction may take place either at a new site or different facility or at an existing site or facility. If an existing county building has been expanded to create a meeting room, it is considered to be facility construction. *New carpet and furniture for that meeting room is not part of facility construction costs and should be reported as a capital purchase expenditure.* All major

renovations such as a new roof should be considered facility construction. Only those expenses incurred during the most recently completed fiscal year should be recorded.

- **Other General Expenditures** - Report total other general current operation, capital purchase, and intergovernmental expenditures not listed in the preceding items.

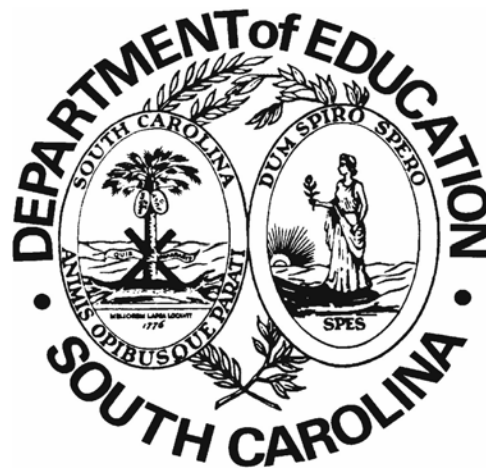
PERSONNEL EXPENDITURES

Report all gross wages, gross salaries, and fringe benefits paid to municipal employees during the most recently completed fiscal year. Report the actual amount paid, not the authorized salary of the positions, whether vacant or filled. If the employee's salary is divided between two categories, report the actual annual expenditures for the employee in each category. Bonuses and other forms of compensation (e.g. payment per fire call) should also be reported. Include per item amounts or salaries paid to board, commission, or council members.

STATE BOARD OF EDUCATION

This notice is to advise the public that the State Board of Education revised the Uniform Grading Policy on January 9, 2007. This revised policy will go into effect in the 2007–08 school year.

South Carolina Uniform Grading Policy



Issued by the
South Carolina Department of Education

Inez Moore Tenenbaum
State Superintendent of Education

January 9, 2007

Contents

The Legislative Mandate	1
Grade Point Conversion Chart	2
Courses Carrying Carnegie Units	3
Honors Courses	3
Dual Credit Courses	3
Advanced Placement and International Baccalaureate Courses	4
End-of-Course Examination Program (EOCEP) Courses and the Credit Recovery Option	4
Computing Grade Point Averages	5
Converting Grades on Transcripts	6
Withdrawing from a Course	7
Retaking a Course	8

The Legislative Mandate

S.C. Code Ann. § 59-5-68 (2004) reads as follows:

The General Assembly finds that given the fact the State provides substantial financial academic assistance to students of the State based on cumulative grade point averages and districts currently use a variety of grading scales, it is in the best interest of the students of South Carolina for a uniform grading scale to be developed and adopted by the State Board of Education to be implemented in all public schools of the State. Therefore, the State Board of Education is directed to establish a task force comprised of superintendents, principals, teachers, and representatives of school boards and higher education no later than June 30, 1999. The task force shall make recommendations to the board including, but not limited to, the following: consistent numerical breaks for letter grades; consideration of standards to define an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force shall report its findings to the State Board of Education no later than December 1, 1999. The State Board of Education shall then adopt and school districts of the State shall begin using the adopted grading scale no later than the 2000-2001 school year.

The State Board of Education adopted a uniform grading policy for South Carolina's public schools in December 1999. That policy, which applied to all students who first enrolled in the ninth grade in the 2000-01 school year, has now been revised. The particulars of the state's revised uniform grading policy are set forth in the pages that follow here.

The new uniform grading scale and the system for calculating grade point averages (GPAs) and class rank will be effective for all students in the 2007-08 school year. Recalculations will be limited to the use of the three-decimal-place conversion factors specified in the South Carolina uniform grading policy's grade point conversion chart. Increased quality points for dual credit courses and full credit for dual credit courses will not be figured into recalculations.

Grade Point Conversion Chart

South Carolina Uniform Grading Scale Conversions				
Numerical Average	Letter Grade	College Prep	Honors	AP/IB/ Dual Credit
100	A	4.875	5.375	5.875
99	A	4.750	5.250	5.750
98	A	4.625	5.125	5.625
97	A	4.500	5.000	5.500
96	A	4.375	4.875	5.375
95	A	4.250	4.750	5.250
94	A	4.125	4.625	5.125
93	A	4.000	4.500	5.000
92	B	3.875	4.375	4.875
91	B	3.750	4.250	4.750
90	B	3.625	4.125	4.625
89	B	3.500	4.000	4.500
88	B	3.375	3.875	4.375
87	B	3.250	3.750	4.250
86	B	3.125	3.625	4.125
85	B	3.000	3.500	4.000
84	C	2.875	3.375	3.875
83	C	2.750	3.250	3.750
82	C	2.625	3.125	3.625
81	C	2.500	3.000	3.500
80	C	2.375	2.875	3.375
79	C	2.250	2.750	3.250
78	C	2.125	2.625	3.125
77	C	2.000	2.500	3.000
76	D	1.875	2.375	2.875
75	D	1.750	2.250	2.750
74	D	1.625	2.125	2.625
73	D	1.500	2.000	2.500
72	D	1.375	1.875	2.375
71	D	1.250	1.750	2.250
70	D	1.125	1.625	2.125
69	F	1.000	1.500	2.000
68	F	0.875	1.375	1.875
67	F	0.750	1.250	1.750
66	F	0.625	1.125	1.625
65	F	0.500	1.000	1.500
64	F	0.375	0.875	1.375
63	F	0.250	0.750	1.250
62	F	0.125	0.625	1.125
0-61	F	0.000	0.000	0.000
61	FA	0.000	0.000	0.000
61	WF	0.000	0.000	0.000
—	WP	0.000	0.000	0.000

Courses Carrying Carnegie Units

The uniform grading scale and the system for calculating GPAs and class rank will apply to all courses carrying Carnegie units, including units earned at the middle or junior high school level.

All report cards and transcripts will use numerical grades for courses carrying Carnegie units. Transcripts and report cards will specify the course title and the level or type of course the student has taken (e.g., English 1, Algebra 2 honors, AP U.S. History). The grading scale must be printed on the report card.

Honors Courses

Honors courses, which extend and deepen the opportunities provided by courses at the high school level, are designed for students exhibiting superior abilities in the particular content area. The honors curriculum places emphasis on critical and analytical thinking, rational decision making, and inductive and deductive reasoning.

School districts may designate honors courses and give the assigned weighting under the following conditions:

- A. An honors course must have a published syllabus that verifies rigor sufficiently beyond the College Preparatory (CP) requirements.
- B. Textbooks and other course materials must be differentiated and more rigorous than those used in CP courses.
- C. Honors courses may be offered in English, mathematics, science, and social studies. Honors weighting may be designated in other content areas for the third and fourth level of the courses, provided that the two above standards are met. Honors weighting may not be designated in any physical education courses.

One half of a quality point (.5) is added to the CP weighting for honors courses that meet the three criteria listed above. These criteria apply to all courses, including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: 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 School (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

Dual Credit Courses

Dual credit courses—whether they are taken at the school where the student is enrolled or at a postsecondary institution—are those courses for which the student has been granted permission by his or her home school to earn both Carnegie units and college credit for those particular courses.

One quality point is added to the CP weighting for dual credit courses that are applicable to baccalaureate degrees or to associate degrees offered by accredited institutions (see State Board of Education Regulation 43-234, Defined Program, Grades 9–12, and Regulation 43-259, Graduation Requirements).

College orientation courses offered by postsecondary institutions carry CP weighting and do not receive honors or dual credit quality points.

Advanced Placement and International Baccalaureate Courses

The following criteria apply to the College Board's Advanced Placement (AP) courses and to International Baccalaureate (IB) courses—including those offered online and in other nontraditional settings and those recorded on a transcript from an out-state-school that is accredited under the regulations of the board of education of that state or the appropriate regional accrediting agency: 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 School (as specified in State Board Regulation 43-273, Transfers and Withdrawals).

- Only AP or IB courses can be awarded a full quality point above the CP weighting. Seminar or support courses for AP or IB may be weighted as honors but not as AP or IB courses.
- An AP course can carry only *one* quality point.
- A standard-level (SL) IB course can carry only *one* quality point. However, two quality points of IB credit can be granted for higher-level (HL) courses in the IB program that require a minimum of 240 hours of instruction.

End-of-Course Examination Program (EOCEP) Courses and the Credit Recovery Option

Students who are enrolled in courses requiring state end-of-course examinations must take the examinations and fulfill all requirements outlined in Regulation 43-262.4. Students will be allowed to take the examination only *once*, at the end of the regular course duration and not at the end of an extended period granted through the credit recovery option. Students who repeat the course must be treated as though they are taking the course for the first time, and all requirements will apply.

36 NOTICES

Computing Grade Point Averages

GPA's already earned by students will be recalculated on the basis of the revised policy's three-decimal-point scale.

All South Carolina public schools will use the following formula to compute all GPA's: **GPA**

$$= \frac{\text{sum (quality points x units)}}{\text{sum of units attempted}}$$

STUDENT EXAMPLE

Course Taken	Numerical Average	Quality Points	Unit
English 1	91	3.750	1
Algebra 1	87	3.250	1
Physical Science	94	4.125	1
World Geography, Honors	83	3.250	1
Physical Education	92	3.875	.5
French 1	84	2.875	1

COMPUTATION

Quality Points		Units	=	
3.750	x	1.0	=	3.750
3.250	x	1.0	=	3.250
4.125	x	1.0	=	4.125
3.250	x	1.0	=	3.250
3.875	x	.5	=	1.9375
2.875	x	1.0	=	2.875
sum of units attempted →		5.5		19.1875 ← sum of quality points x units

sum of quality points x units divided by sum of units attempted → $19.1875 \div 5.5 = 3.488636 \rightarrow$ student's GPA

Computations will not be rounded to a higher number.

The establishment of criteria for determining honors graduates, including the valedictorian or salutatorian, is a local decision. Local boards may establish earlier cutoffs (e.g., the seventh semester of high school, the third nine weeks of the senior year) when ranking students for any local purpose. However, class rank for LIFE Scholarships is determined at the conclusion of the spring semester of the senior year.

Converting Grades on Transcripts

When transcripts are received from accredited out-of-state schools (or in state from accredited sources other than the public schools) and numerical averages are provided, those averages must be used in transferring the grades to the student's record. If letter grades with no numerical averages are provided, this conversion will apply: A = 96, B = 88, C = 80, D = 73, F = 61. If the transcript indicates that the student has earned a passing grade in any course in which he or she had a numerical average lower than 70, that average will be converted to a 73 numerical grade on the new scale. See State Board of Education Regulation 43-273 for complete information on transfers and withdrawals. The criteria for accepting transcripts from homeschools are a local decision.

If the transcript shows that the student has earned a grade of P (passing), that grade will be converted to a numerical designation on the basis of information secured from the sending institution as to the appropriate numerical value of the P. If no numerical average can be obtained from the sending institution, the student's cumulative transfer GPA will be calculated and the corresponding number equivalent will be assigned to replace the P. (For example, if a student transfers with a cumulative GPA of 3.5 on the CP scale, the grade of P would be converted to an 89. A grade of P, in other words, will neither positively nor negatively impact the student's transfer GPA.)

Withdrawing from a Course

With the first day of enrollment in the course as the baseline, students who withdraw from a course within three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course will do so without penalty.

Students who withdraw from a course after the specified time of three days in a 45-day course, five days in a 90-day course, or ten days in a 180-day course shall be assigned a WF, and the F (as a 61) will be calculated in the student's overall grade point average.

The three-, five-, and ten-day limitations for withdrawing from a course without penalty do not apply to course or course-level changes approved by the administration of a school. Withdrawal limitations for distance learning courses will be established by local districts.

Students who drop out of school or are expelled after the allowed period for withdrawal but before the end of the grading period will be assigned grades in accordance with the following policies:

- The student will receive a WP if he or she was passing the course. The grade of WP will carry no Carnegie units and no quality points to be factored into the student's GPA.
- The student will receive a WF if he or she was failing the course. The grade of WF will carry no Carnegie units but will be factored into the student's GPA as a 61.

If a student fails a course due to excessive absences, an FA will be recorded on his or her transcript. The grade of FA will carry no Carnegie units but will be factored into the student's GPA as a 61.

Retaking a Course

Students in grades nine through twelve may retake a course at the same level of difficulty if they have earned a D or an F in that course. The student's record will reflect all courses he or she has taken and the grades he or she has earned.

The student may retake the course either during the current school year or during the next school year but no later than that second year. In addition, the student must retake the course before he or she has enrolled in the next sequential course (unless the student is granted approval by school administration to do so).

A student who has taken a course for a Carnegie unit prior to his or her ninth-grade year may retake that course regardless of the grade he or she has earned. In such a case, only the retake grade will be used in figuring the student's GPA, and only the retake attempt will show on the transcript. This rule will apply whether the retake grade is higher or lower than the grade the student previously earned.

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 January 26, 2007, 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 Greenwood County

Renovation of existing space for the establishment of a third vascular laboratory
Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$2,877,394

Affecting Richland County

Addition of a da Vinci 'S' Surgical System to be located at Palmetto Health Richland in the existing surgical department
Palmetto Health Richland
Columbia, South Carolina
Project Cost: \$1,490,000

Affecting York County

Conversion of six (6) existing skilled nursing beds to six (6) comprehensive rehabilitation beds for a total bed complement of forty (40) comprehensive rehabilitation beds
HealthSouth Rehabilitation Hospital of Rock Hill
Rock Hill, South Carolina
Project Cost: \$20,000

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 January 26, 2007. "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 Beaufort County

Construction of a 120 bed nursing home that will not participate in the Medicaid (Title XIX) Program
NHC Healthcare, Bluffton, LLC
Bluffton, South Carolina
Project Cost: \$21,657,005

Affecting Spartanburg County

Construction of two (2) additional operating rooms (OR's) for ambulatory surgery for a total of four (4) OR's
Spartanburg Urology Surgicenter, LP
Spartanburg, South Carolina
Project Cost: \$8,411,553

40 NOTICES

Construction of a thirty-three (33) nursing home bed unit as part of a Continuing Care Retirement Community (CCRC) to include six (6) institutional nursing home beds which do not provide a community service and twenty-seven (27) nursing home beds that do not participate in the Medicaid (Title XIX) Program
Summit Hills Nursing Center
Spartanburg, South Carolina
Project Cost: \$5,042,512

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 407, Standard for Aircraft Fueling Servicing, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina of Law, Section 23-9-60

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 10, Standard for Portable Fire Extinguishers, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is reference by:
South Carolina Code of Laws Section 23-9-45
South Carolina Rules and Regulations 71-8307.3(A)(3)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13D, Standard for the Installation of Sprinkler Systems in One and two-Family Dwellings and Manufactured Homes, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 40-10-240(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 40-10-240(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

42 NOTICES

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 40-10-240(A)

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 14, Standard for the Installation of Standpipe and Hose Systems, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Law, Section 40-10-240(A)

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 20, Standard for the Installation of Stationary Pumps for Fire Protection, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-10-240(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances, 2007 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws Section 40-10-240(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

44 NOTICES

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

NOTICE OF GENERAL PUBLIC INTEREST

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

1. National Fire Protection Association 72, National Fire Alarm Code, 2002 Edition
2. The original promulgating authority for this code is:
National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
3. This code is referenced by:
South Carolina Code of Laws, Section 23-9-60
South Carolina Rules and Regulations 71-8300.11(A)(1)
South Carolina Rules and Regulations 71-8308.4(A)
South Carolina Rules and Regulations 71-8309.4(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal hereby promulgates this latest edition without amendment.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: Section 48-2-10 *et seq.*; Act 387 (2006)

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-30, *Environmental Protection Fees*. Interested persons may submit their views by writing to Mr. Michael E. Rowe, 2600 Bull Street, Columbia, South Carolina, 29201. To be considered, written comments must be received no later than 5:00 p.m. on February 26, 2007, the close of the drafting comment period.

Synopsis:

The purpose of the proposed regulation is to address proposed increases in fees for the environmental laboratory certification program and the private well inspection program. Language in the regulation dealing with appeals will also be updated to correlate with legislative changes in the state appellate process pursuant to Act 387 (2006). This amendment requires legislative approval.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 44-1-140

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-56, *Individual Sewage Treatment and Disposal Systems*. Interested persons may submit comments to Leonard Gordon, Division of Onsite Wastewater Management, Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201-1708. Comments submitted must be received by 5:00 p.m. on February 28, 2007, the close of the drafting comment period.

Synopsis:

R.61-56, *Individual Sewage Treatment and Disposal Systems*, was last amended on June 27, 1986. Since the last revision, there have been numerous changes in the technologies of design and installation of onsite wastewater systems. Amendments may include updates in nomenclature and technology, clarification of site requirements and system requirements, and changing the title of the regulation.

This amendment will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend specific sections of R.61-68, Water Classifications and Standards, and sections of R. 61-69, Classified Waters. Interested persons are invited to submit their views and recommendations in writing to Amy M. Bennett, Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at

46 DRAFTING

bennetam@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on February 26, 2007.

Synopsis:

Section 303(c)(2)(B) of the Federal Clean Water Act (CWA) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recent numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department has prepared this notice of drafting to begin the required triennial review process. In order to comply with this Federal requirement, the Department will need to make specific revisions to the existing water quality standards regulation. Some of the topics that the Department is proposing to consider during this review may include, but not be limited to, the following:

- Review and, where appropriate, adoption of revised Federal water quality criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the CWA.
- Review and, where appropriate, revise the assessment of the bacteriological indicator for protection of recreational uses.
- Addition or revision of definitions.
- Review and, where appropriate, adopt a site-specific dissolved oxygen standard for portions of the Savannah River.
- Review the underlying scientific basis for human health protection related to the arsenic criteria and, if appropriate, revise the arsenic criteria.
- Stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.

Legislative review will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONERS OF PILOTAGE
CHAPTER 136
Statutory Authority: 1976 Code Section 54-15-140

Notice of Drafting:

The Commissioners of Pilotage proposes to revise existing regulations by amending the regulations in their entirety and updating the regulations in conformance with 2006 Act 237. Written comments may be submitted to Randy Bryant, Board Administrator 110 Centerview Drive, 1st Floor, Columbia, South Carolina, 29211-1329.

Synopsis:

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

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
 Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40, 123-51 and 123-52 "Hunt Units and Wildlife Management Area Regulations". The subject of the proposed action is to amend the regulations to eliminate references to Game Zones that no longer exist. Act No. 289 of 2006 reduced the number of Game Zones from 11 to 6. Any person interested may submit written comments to Breck Carmichael, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

Since existing regulations reference Game Zones that no longer exist, new regulations must be filed to correct Game Zone references. These amended regulations do not change existing seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103
 Statutory Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2006)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend 26 S.C. Code Ann. Regs. 103-100, *et. seq.* (1976 & Supp. 2006) and 26 S.C. Code Ann. Regs. 103-200, *et. seq.* (1976 & Supp. 2006) governing motor vehicle carriers in order to conform these regulations to 2004 S.C. Acts No. 175. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-18-T. To be considered, comments must be received no later than 4:45 p.m. on February 28, 2007.

Synopsis:

In 2004, the General Assembly passed Act No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-100, *et. seq.* (1976 & Supp. 2006) and 26 S.C. Code Ann. Regs. 103-200, *et. seq.* (1976 & Supp. 2006) of the Public Service Commission's regulations is to amend Articles 1 and 2 to conform to the new standards set out by Act 175 of 2004.

Legislative review of this proposal will be required.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
CHAPTER 103

Statutory Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2006)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend 26 S.C. Code Ann. Regs. 103-300, *et. seq.* (1976 & Supp. 2006) and 26 S.C. Code Ann. Regs. 103-400, *et. seq.* (1976 & Supp. 2006) governing electric and gas utilities in order to conform these regulations to 2004 S.C. Acts No. 175. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-19-E/G. To be considered, comments must be received no later than 4:45 p.m. on February 28, 2007.

Synopsis:

In 2004, the General Assembly passed Act No. 175 which restructured the Public Service Commission. This Act modified the structure of the Agency and its functions and created the Office of Regulatory Staff. Several duties of the Public Service Commission were transferred to the Office of Regulatory Staff on January 1, 2005. The purpose of the revisions to 26 S.C. Code Ann. Regs. 103-300, *et. seq.* (1976 & Supp. 2006) and 26 S.C. Code Ann. Regs. 103-400, *et. seq.* (1976 & Supp. 200 6) of the Public Service Commission's regulations is to amend Articles 3 and 4 to conform to the new standards set out by Act 175 of 2004.

Legislative review of this proposal will be required.

Document No. 3108
CLEMSON UNIVERSITY
LIVESTOCK POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: Chapter 4, Title 47, 1976 Code

Preamble:

Due to an error in 27-1020(2)(b) of text being left out, the regulation is not in compliance with CFR79.6, Consistent State Status for Scrapie. Maintaining State Status for Scrapie will allow South Carolina sheep producers to move their animals in interstate commerce without additional restrictions which apply to animals from non-consistent states.

Section-by Section Discussion

27-1020 Intrastate Movement of Certain Animals

A. 1. this section defines the species of animals affected by this regulation. These definitions are taken from federal regulations as found in 9 CFR Part 79.

2. This section specifies certain procedures which must be performed should scrapie be detected in the designated species of animals.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted at the Livestock-Poultry Health Building, 500 Clemson Road, Columbia, SC on March 2, 2007 at 2:00 PM. If no qualified request for public hearing is received prior to 4:00 PM on February 27, 2007, said hearing will be cancelled without further notice.

Interested persons may submit written comments on the proposed amendment by writing to Dr. Boyd Parr, Post Office Box 102406, Columbia, SC 29224-2406.

Preliminary Fiscal Impact Statement:

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

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) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 27- 1020, Regulated Areas

Purpose: Regulation 27-1020 is being amended to protect the state livestock industry.

Legal Authority: S. C. Code Section 47-4-30

Plan for Implementation: The proposed amendment will take place upon approval by the General Assembly and Publication in the State Register. The Department will notify the regulated community of the amendments.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The regulation was amended in anticipation of a possible outbreak of the disease "Scrapie" in sheep and goats.

50 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS: There is no need to quarantine any animals until the disease "Scrapie" is detected in sheep and/or goats.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: None. No treatments or quarantines will be necessary on un-infested lands.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

DETAILED RATIONALE: A detailed statement of rationale may be obtained from the Director, Animal Health Programs, P.O. Box 102406, Columbia, SC 29224-2406

Text:

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

Document No. 3111
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30

Statutory Authority: S.C. Code Ann. Section 48-39-10 *et seq.*

R.30-1 through R.30-18 *South Carolina Department of Health and Environmental Control - Coastal Division Regulations*

Preamble:

The proposed regulatory changes will amend the Department's Coastal Division Regulations 30-1 through 30-18 related to permitting in the critical areas of the coastal zone. These proposed changes would amend definitions, specify the Department's policies regarding construction of docks and piers, and correct technical errors in language and codification for the overall improvement of the regulations. The appeals procedure will also be revised to concur with Act 387 (2006). The proposed changes will provide more clarification to the regulation, enabling Department staff to administer more effectively the regulatory program of the Coastal Division. Legislative review of the proposed amendment will be required.

A Notice of Drafting for this proposed regulation was published in the State Register on October 27, 2006.

Discussion of Proposed Revisions:

The Department proposes to 1) add definition for 'boat storage structure' and amend definition of 'special geographic circumstances', 2) modify criteria for the evaluation of permits for docks and piers 3) correct technical errors in language and codification, and 4) revise the Department's appeal procedure to concur with Act 387 of 2006.

<u>SECTION</u>	<u>CHANGE</u>
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30-1.D	Add definition, in proper alphanumeric order, for 'boat storage structure'.
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30-1.D(19)	Renumber section to (20) and correct section number referenced to 30-15.H.
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- 30-1.D(47) Renumber section to (48) and add language describing the additional square footage considered under ‘special geographic circumstances’.
- 30-5.A(1) Change section number referenced within the subsection to R.30-15.H.
- 30-6 Rename section heading and modify language to concur with Act 387 (2006).
- 30-7 Delete to concur with Act 387 (2006) and reserve.
- 30-8.A(2) Modify language to concur with Act 387 (2006).
- 30-8.F(4) Modify language to concur with Act 387 (2006).
- 30-12.A(1)(a) Add language limiting docks and piers to parcels and lots that are waterfront.
- 30-12.A(1)(n) Modify by moving fourth sentence in paragraph to second sentence for clarity. Delete fifth sentence and move to new subsection item 30-12.A(1)(o) to avoid confusion.
- 30-12.A(1)(o) Replace sentence deleted from 30-12.A(1)(n) as a new subsection item.
- 30-12.A(1)(o) Re-number subsection item to (p) for proper codification order.
- 30-12.A(1)(p) Re-number subsection item to (q) for proper codification order.
- 30-12.A(1)(q) Re-number subsection item to (r) for proper codification order.
- 30-12.A(1)(r) Re-number subsection item to (s) for proper codification order.
- 30-12.A(2)(c) Delete third and fourth sentences, add language clarifying that the subsection pertains to size and use of pierheads and floating docks based on creek widths, modify term to correct for consistency of language, and add ‘catwalks’ to exclusions for allowable dock square footage.
- 30-12.A(2)(c)(vi) Add new subpart item describing the allowable square footage for joint use docks.
- 30-12.A(2)(c)(vi) Re-number subpart to (vii) for proper codification order.
- 30-12.A(2)(c)(vii) Re-number subpart to (viii) for proper codification order.
- 30-12.A(2)(c)(viii) Re-number subpart to (ix) for proper codification order.
- 30-12.A(2)(c)(ix) Re-number subpart to (x) for proper codification order, and replace terms describing types of boat storage structures.
- 30-12.A(2)(e) Replace terms describing the types of boat storage structures allowed on docking facilities.
- 30-12.A(2)(e)(i) Add language describing the number of boat storage structures allowed based on creek size.
- 30-12.A(2)(e)(iii) Modify term to correct for consistency in language.
- 30-12.E(1)(a) Change section number referenced within the subsection to R.30-12.E(3).

52 PROPOSED REGULATIONS

30-12.E(1)(h) Change subsection numbers referenced within the subsection to R.30-12.E(1)(f) and (g).

30-14.F(3) Delete section to concur with Act 387 (2006).

30-15.G Re-number sections for proper codification order, and change section numbers referenced.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on February 27, 2007 at 2:00 p.m. in the 3rd floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendments of R.30-1 through R.30-18.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to Elizabeth von Kolnitz at S.C. DHEC-OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847. Written comments must be received no later than 4:00 pm on February 27, 2007. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on April 12, 2007, as noticed below. Comments received at the informational forum and during the public comment period by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed amendment for public notice and comment as published in the State Register on January 26, 2007, may be obtained by contacting Elizabeth von Kolnitz at S.C. DHEC-OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847; e-mail: vonkoleb@dhec.sc.gov.

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

Interested members of the public and regulated community are invited to make oral and written comments on the proposed amendment to the regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 12, 2007. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda and published by the Department at least 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these amendments; therefore, no additional state funding is being requested. Existing staff and resources have been utilized in preparation of these amendments and will further be utilized in the regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

R.30-1 through R.30-18 *South Carolina Department of Health and Environmental Control - Coastal Division Regulations*

Purpose of Regulation: The proposed regulatory changes will amend the Department's Coastal Division Regulations 30-1 through 30-18 related to permitting in the critical areas of the coastal zone. These proposed changes would amend definitions, specify the Department's policies regarding construction of docks and piers, and correct technical errors in language and codification for the overall improvement of the regulations. The appeals procedure will also be revised to concur with Act 387 (2006). The proposed changes will provide more clarification to the regulation, enabling Department staff to administer more effectively the regulatory program of the Coastal Division.

Legal Authority: S.C. Code Ann. Section 48-39-10 *et seq.*, Coastal Tidelands and Wetlands Act, 1976

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R. 30-1 through 30-18 upon approval of the Board of Health and Environmental Control and the General Assembly, and publication in the *State Register*. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These amendments are necessary to (1) implement S.C. Code Ann. Section 48-39-130, which addresses the permitting of activities in the critical area; (2) add clarity to existing regulations; and (3) enable Department staff to administer more effectively the regulatory program of the Coastal Division.

DETERMINATION OF COSTS AND BENEFITS:

- 1) Promulgation and administration of this amendment is estimated to have minimal economic impacts to the state. Benefits to the state will include improved management of coastal resources through increased clarity of the regulations.
- 2) Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or result in cost increases to the general public. Those regulated may incur some additional costs in the preparation of information required for consideration of an application for docks and piers. Public benefits will be evident in improved management of coastal resources through increased clarity of the regulations.

See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will refine the Department's ability to manage public usage of coastal resources, and will enable the Department to provide a more effective response to those seeking permit approval for activities in the critical area of the coastal zone.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens.

54 PROPOSED REGULATIONS

Statement of Rationale Pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h):

These revisions are proposed to provide technical corrections, clarity and specificity to the existing regulations that address permitting in the critical area of the coastal zone. The revisions are based on the experience and professional judgment of the Department's staff. Additionally, revisions to the appeals procedures are required by law pursuant to Act 387 (2006). The Department intends to make language and technical changes to provide for clarification of intent and better organization of the existing regulations.

Texts:

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

Document No. 3112

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 S.C. Code Ann., Sections 48-2-10 *et seq.*; (Supp. 2005) and S.C. Code Ann., Sections 13-7-10 *et seq.*, (Supp. 2005)

R.61-30. Environmental Fees

Preamble:

R.61-30, *Environmental Protection Fees*, was promulgated June 23, 1995, pursuant to the Environmental Protection Fund Act of 1993, S.C. Code Ann. Sections 48-2-10 *et seq.* This regulation prescribes those fees applicable to applicants and holders of permits, licenses, certifications, and permits. This regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment and establishes an appeals process to contest the calculation of applicability.

The Department is proposing to amend R.61-30 by increasing fees for specific radioactive material licenses, reciprocity licenses and radioactive waste transportation permits. The increased fees reflect the increase in costs to process licenses and permits. See Discussion of Proposed Revisions and Statements of Need and Reasonableness and Rationale herein.

Legislative review will be required.

A Notice of Drafting for the proposed amendments was published in the State Register on September 22, 2006. Notice of the Department's intent to promulgate this amendment was also published on the Department's Internet website: <http://www.scdhec.gov/administration/regs/>. No relevant comments were received.

Discussion of Proposed Revisions

Increase fees for specific radioactive material licenses, reciprocity licenses and radioactive waste transportation permits.

SECTION REVISION

61-30.G(5)(a)-(ee)

- (a) fee increases for Low Level Radioactive Waste Shallow Land Disposal
- (b) fee increases for Low Level Waste Interim On-site Storage and Processing
- (b)(i) fee increases for Solid Components only

- (b)(ii) fee increases for Combination Waste Streams
- (c) fee increases for Low-Level Waste Processing Services
- (c)(i) fee increases for Less than 200 FT³/year
- (c)(ii) fee increases for Greater than 200 FT³/year
- (d) fee increases for Low-Level Waste Consolidation Services
- (e) fee increases for Decontamination, Recycling, Pilot Study Services and contaminated Equipment Storage (Non-waste)
- (f) Decommissioned Facility
- (f)(i) fee increases for Test Reactor
- (f)(ii) fee increases for Non-fuel Cycle
- (f)(iii) fee increases for Fuel Cycle
- (g) fee increases for Natural Occurring from Processes
- (h) fee increases for Natural Occurring from Processes

61-30.G(6)(a)-(c) Radioactive Waste Transportation Permits

- (a) fee increases for Type X - Annually greater than 75 cubic feet
- (b) fee increases for Type Y - annually less than 75 cubic feet

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff conducted informational forum to be held on Monday, February 26, 2007, at 10:00 a.m. in Room 1043 of the Stern Building at 8911 Farrow Road, Suite 106. The purpose of the forum is to answer questions and to receive public comments from interested persons on the proposed amendment of R.61-30. Comments received at the informational forum shall be submitted in a *Summary of Public Comments and Department Responses* for the Board's consideration at the public hearing noticed below.

Interested persons are also provided an opportunity to submit written comments to Michael Moore, Manager of Radioactive Materials, Division of Waste Management, Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull St., Columbia, SC 29201. Written comments must be received no later than 4:00 pm, February 26, 2007, the close of the public comment period. Comments received by the deadline date shall be submitted in a *Summary of Public Comments and Department Responses* for the Board's consideration at the public hearing.

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 make oral or written comments on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on April 12, 2007. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. Persons planning to attend the meeting are asked to enter the building at the entrance facing Bull Street. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Information or copies of the proposed text for public notice and comment may be obtained at <http://www.scdhec.gov/lwm/html/public.html> or by calling Michael Moore at (803)896-4181.

56 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement

No additional cost will be incurred by the State or its political subdivisions by the implementation of this amendment except as a reflection of increased costs stated above. (see Determination of Costs and Benefits). Existing staff and resources will be utilized to implement this amendment to the regulation.

STATEMENT OF NEED AND REASONABLENESS: This Statement of Need and Reasonableness complies with SC Code Ann. Section 1-23-115(c)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-30, Environmental Protection Fees

Purpose: The Department is proposing to amend R.61-30 to revise the fees charged for radioactive materials licenses including reciprocity and general licenses specified in R.61-63. The fees will also cover the costs to receive and review applications for radioactive waste transportation permits to ship radioactive waste into and within the State of South Carolina.

Legal Authority: S.C. Ann. Code Sections 48-2-10 *et seq.*; and Atomic Energy and Radiation Control Act 13-7-10 *et seq.*

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

STATEMENTS OF NEED AND REASONABLENESS AND RATIONALE PROPOSED AMENDMENT OF R.61-30, ENVIRONMENTAL PROTECTION FEES

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

DESCRIPTION OF REGULATION: Proposed amendment of R.61-30, *Environmental Protection Fees*.

Purpose: The Department is proposing to amend R.61-30 to revise the fees charged for radioactive materials licenses including reciprocity and general licenses specified in R.61-63. The fees will also cover the costs to receive and review applications for radioactive waste transportation permits to ship radioactive waste into and within the State of South Carolina.

Legal Authority: Environmental Protection Fund Act, S.C. Code Ann. Section 48-2-10 *et seq.*; (Supp. 2005) and Atomic Energy and Radiation Control Act, S.C. Code Ann. Section 13-7-10 *et seq.*, (Supp. 2005)

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: South Carolina is an Agreement State, and as such, the US Nuclear Regulatory Commission (NRC) has relinquished authority to the State to regulate the use of radioactive materials. The Atomic Energy and Radiation Control Act requires the Department to recover all costs associated with the program through fees.

The proposed fee increases are designed to cover the costs of radioactive materials licenses, the costs to receive and review applications for radioactive materials permits and radioactive waste transportation permits. The increased fees reflect the increase in costs to process the licenses and permits.

DETERMINATION OF COSTS AND BENEFITS: The NRC requires Agreement States who license and inspect facilities utilizing radioactive materials to successfully complete specified training courses. Prior to 1996, NRC funded this training. It is now the State’s responsibility to fund this training.

Processing applications for permits and licenses for radioactive materials and permits for radioactive waste transportation requires considerable commitment of the Department’s fiscal resources. Inflation has increased the costs associated with training. Program costs have been incurred for increased security requirements of licensed material all contributing to an over all increase in costs to run an effective program.

Income to run the program has decreased. A lack of state appropriations was compounded by budget cuts. A reduction in the revenue stream from the current fee structure decreased income as did restrictions on the amount of waste allowed for burial within South Carolina. These restrictions on the amount of waste allowed for burial within South Carolina also resulted in a reduction in the number of radioactive waste transport permits being issued. This all served to reduce the monies used to fund the program, necessitating the implementation of this fee amendment

The fees for radioactive waste transportation permit applications and radioactive materials licenses have not been increased since 1995. Since FY 2000, the fees have generated less money than needed to operate the program. Surplus funds were used to make up the shortfall but the surplus funds will be exhausted at the end of FY 2007, leaving the program under funded and unable to carry out statutory mandates.

Estimated total costs of FY 07 program	\$632,819
Projected FY 07 revenues at current fees:	\$438,230
Revenue generated with fee increases	\$734,200

Monies generated over and above the costs of the current program would go into surplus funds to cover the costs of inflation and increased costs incurred over the next few years. Costs are projected to increase by at least 4% per year.

The additional cost to the regulated community is a result of the requirements under the Atomic Energy and Radiation Control Act that the Department must recover all costs associated with the program through fees.

UNCERTAINTIES OF ESTIMATES: The Department can be reasonably accurate on the costs required to run the program.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The overall effects of these rules are expected to be beneficial to the public health and environment. Review of applications and permits is necessary to protect both the natural resources of South Carolina and the health of its citizens. Security of licensed materials is essential for the safety of the public. Proper funding will enable the program to meet the requirements of the Atomic Energy Act and protect the safety and well being of the public.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: A greater risk of public exposures exists if the program is not able to carry out timely and thorough inspections with well trained staff. Federal Law requires this program to operate at a specific level of activity and with trained personnel.

58 PROPOSED REGULATIONS

STATEMENT OF RATIONAL PURSUANT TO SC CODE SECTION 1-23-110 (A)(3)(h): This is an administrative decision by the Department to amend R.61-30 to have fees more closely reflect the costs incurred in implementing the program. See Statement of Need and Reasonableness.

Text:

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

Document No. 3113
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 44-96-10, et seq.

Proposed Amendment of R.61-107. Solid Waste Management.

1. Proposed Repeal of Sections:

- 61-107.11 Solid Waste Management: Construction, Demolition, and Land-clearing Debris Landfills;
- 61-107.13 Solid Waste Management: Municipal Solid Waste Incinerator Ash Landfills;
- 61-107.16 Solid Waste Management: Industrial Solid Waste Landfills; and,
- 61-107.258 Solid Waste Management: Municipal Solid Waste Landfills.

2. Propose New Section 61-107.19. Solid Waste Landfills & Structural Fill.

Preamble:

The Department is proposing to amend Regulation 61-107. Solid Waste Management by simultaneously repealing sections 61-107.11 Construction, Demolition, and Land-clearing Debris Landfills, 61-107.13 Municipal Solid Waste Incinerator Ash Landfills, 61-107.16 Industrial Solid Waste Landfills, and 61-107.258 Municipal Solid Waste Landfills, and replacing them with a new Chapter 61-107 section that addresses applicable portions of the repealed sections, as well as other solid waste disposal options.

The new Solid Waste Management section encompasses all solid waste landfills and structural fill activities to include a change to broaden solid waste disposal options. The new proposed section provides a viable mechanism for structural fill activities using a suitable waste stream, thus helping alleviate open dumping. It will broaden disposal options by changing the way proper disposal is determined by focusing on the waste stream's chemical and physical properties instead of the source of generation.

This is a comprehensive regulation section that updates, streamlines, and clarifies requirements addressing disposal of solid waste. This section also includes changes to reflect updates to Title 40 of the Code of Federal Regulations, Part 258 (40CFR258) Criteria for Municipal Solid Waste Landfills, e.g., location restrictions for airport safety; research, development, and demonstration permits; leachate recirculation; and, updates to the Appendix V. In addition, the new section will include revisions to reflect changes in an amendment of SC Code Section 44-96-10, et seq. (Solid Waste Policy and Management Act), in 2000. These changes include deletion of a requirement for disposal of municipal solid waste incinerator ash in a monofill, and the addition of administratively complete language relating to the Department's review of permit applications. Text moved from Regulation sections 61-107.11, 61-107.13, 61-107.16, and 61-107.258 incorporates editorial changes and corrections for clarity, grammar, punctuation, typographical errors, references, and language style.

The Notice of Drafting for this proposed new regulation section and repeal of other sections in R.61-107 was published in the *State Register* on June 23, 2006. No comments were received. Legislative review of this proposed promulgation will be required. See the discussion below and the Statement of Need and Reasonableness and Rationale herein for additional information.

Section-by-section Discussion of Proposed New Regulation Section:

Part I. General Requirements. This Part contains requirements that pertain to two or more types of disposal facilities.

Section A. Applicability. This section addresses the applicability and scope of this regulation and defines disposal options. The emphasis for determining proper disposal is based on the chemical/physical properties of the waste stream. This is a change from existing regulations which rely on the source of generation of the waste. Compliance for existing landfills is addressed.

This section identifies three types of landfills, i.e., Class One, Class Two, and Class Three, which will replace existing types of landfills. The Department will automatically convert, as an administrative modification, all existing landfill permits to the appropriate Class as outlined herein.

The repeal of existing sections: 61-107.11 Construction, Demolition, and Land-clearing Debris Landfills, 61-107.13 Municipal Solid Waste Incinerator Ash Landfills, 61-107.16 Industrial Solid Waste Landfills, and 61-107.258 Municipal Solid Waste Landfills is addressed in this section.

Structural fill activities are identified in this section. The new text replaces existing text in R.61-107.11 for “Short-term Construction, Demolition and Land-clearing Debris Landfills” and an exemption for structural fill. New requirements should help alleviate open dumping and encourage reuse of specific items that would otherwise require landfilling.

Section B. Definitions. This section contains applicable definitions from R.61-107.11, R.61-107.13, R.61-107.16, R.61-107.258, 40CFR258, and SC Code Section 44-96-10, *et seq.*

Section C. Waste Characterization. The criteria for determining the proper type of landfill to be used for disposal of a waste stream is outlined in this section. Waste characterization consists of a comprehensive analytical evaluation of the chemical and physical nature of each waste stream. The wastes acceptable for disposal at a Class One landfill as listed in Appendix I are exempt from the waste characterization process. Class Three landfills adhere to their approved Special Waste Analysis and Implementation Plan.

This language is based on text in R.61-107.16 SWM: Industrial Solid Waste Landfills. New text is added regarding existing landfill compliance with the requirements of this new 61-107 Section. If waste characterization test results indicate a reclassification of the landfill is necessary to meet requirements, the Department will require the permittee to submit a permit application for appropriate modification of the landfill.

Section D. Public Notification and Participation. This new section establishes public notification requirements for construction and major modifications of Class Two and Class Three landfills. The applicant is responsible for publication of the first two notices. Publication of a “notice of intent to file a permit application” is added to the public notification process. This new step will make the public aware of the proposed landfill activity in the early stages of the process. It will also allow the applicant to complete determination of need, consistency determinations, and site suitability studies before making large expenditures on engineering plans and specifications.

New text is added that addresses the review of draft permits, public hearings, and the Department’s decision on final permitting applications.

60 PROPOSED REGULATIONS

Section E. Financial Assurance Criteria. All non-commercial landfills, as well as commercial landfills, are required to demonstrate financial assurance with the exception of State and Federal Government owned facilities and Class One and Class Two landfills owned by local government or a region comprised of local governments. Text from R.61-107.13, R.61-107.16, and R.61-107.258 is used with the exception of the state assumption of responsibility mechanism. New mechanisms for Certificates of Deposit, Corporate Financial Test, and Local Government Financial Test are added. Also new text addressing “Incapacity of Permittee or Financial Institution” and “Default by Permittee” are added. Proposed changes include a new requirement for financial assurance for all non-government owned Class One and Class Two landfills.

Section F. Permit Applicant Requirements. Disclosure requirements text from S.C. Code Section 44-96-300, R.61-107.13, R.61-107.16, and R.61-107.258 is included in this section. New requirements regarding bankruptcy are added, and text from R.61-107.16, and R.61-107.258 addressing transfer of ownership is included.

Section G. Severability text from R.61-107.11, R.61-107.13, R.61-107.16, and R.61-107.258 is used.

Section H. Violations and Penalties. Text from S.C. Code Section 44-96-450, R.61-107.11, R.61-107.13, R.61-107.16, and R.61-107.258 is used. New text is added pursuant to a recent revision of the SC Code of Laws.

Section I. Administrative Review and Contested Cases. This new section establishes procedures for contesting a decision involving the issuance, denial, renewal, suspension, or revocation of a permit. As a result of recent changes in the S.C. Code of Laws, this new section replaces existing language in the solid waste landfill regulation sections that address appeals. Also, new language defines the process by which issues can be raised during a final review conference and contested case proceeding.

Section J. Variances. This text, taken from R.61-107.16, identifies the procedure for requesting a variance from the regulation requirements.

Part II. This Part addresses short term structural fill activity.

Section A. General Provisions. This new section defines the requirements for short-term structural fill using a limited waste stream, e.g., concrete, block, brick. It is meant to help alleviate open dumping by providing a viable mechanism for structural fill activities using a suitable waste stream. All structural fill activity must be conducted under the Permit-by-rule outlined in the regulation. Structural fill activity is limited to a life of twelve months or less, and to one acre or less in size.

Some of the text is taken from the SC Code Section 44-96-290 and existing R.61-107.11 Small Short-term Construction, Demolition and Land-clearing Debris Landfills. A new requirement for operating under a permit-by-rule that requires registration of all structural fill activity is added. Ambiguous language that addresses a structural fill exemption in the existing R.61-107.11. is deleted. A new exemption for structural fill activity in rights-of-way directly related to road construction under contract with the S.C. Department of Transportation is added. A new statement that structural fill may not provide a sound structural base for building purposes is added.

Section B. Permit-by-rule Registration Requirements. This new section identifies the steps to be taken in order to receive written approval from the Department to operate under the Permit-by-rule for a specific site. Submittal requirements are outlined.

C. Location Restrictions. This section outlines buffers and accessibility requirements and is based on requirements in R.61-107.11 Small, Short-term Construction, Demolition, and Land-clearing Debris Landfills.

D. Design Requirements for Structural Fill. Most of the text in this section is moved from R.61-107.11. with the exception of determining the bottom elevation versus the seasonal high water table. A new requirement states that fill material can not be placed in water.

E. Operating Criteria. This section outlines the operational requirements for all structural fill activity. Text in this section is moved from R.61-107.11 Operation Criteria. A new requirement is added that waste used for structural fill must be reduced in size to less than or equal to one cubic yard pieces with no side exceeding three feet in length.

F. Closure. Closure requirements from R.61-107.11 are used in this section. A new option is added that allows the landowner to begin construction of the foundation of a building project in lieu of seeding requirements.

Part III. This Part addresses Class One landfills operating under a general permit.

A. General Permit. This section outlines an overview of the general permit and uses language from R.61-107.11. A new statement is added that allows permitted mining sites as acceptable locations for Class One landfills.

B. General Provisions. The criteria addressed in the General Permit is outlined in this Section. This text is moved from R.61-107.11, Part II. A new statement is added that requires the applicant to publish a notice of intent to operate under the General Permit in a newspaper and to submit an affidavit of publication to the Department. This requirement is added so the public is informed of proposed activities in the early stages of planning a Class One landfill.

C. Notice of Intent. This text is moved from R.61-107.11, Part II. and outlines the document applicants must submit to the Department when seeking approval to operate a Class One landfill under the General Permit.

D. Record Keeping and Reporting Requirements. Text from R.61-107.11, Part II. is used. The reporting date is changed to September 1, instead of October 15, and a three-year records retention requirement is added.

Part IV. This Part addresses Class Two Landfills. Portions of text from R.61-107.11, Parts III & IV and R.61-107.16, Class I are used in addition to some new text.

Section A. General Provisions. This section addresses the applicability and general criteria for Class Two landfills. These landfills can accept Appendix I wastes, other wastes that demonstrate similar properties to Appendix I wastes and are approved by the Department on a case-by-case basis, and wastes that test less than 10 times the maximum contaminant level as published in R.61-58.

Section B. Location Restrictions. This section defines buffers and airport safety requirements.

Portions of text are taken from R.61-107.11 and 61-107.16 with revisions for consistency. New text is added to establish the buffer from the fill area to residences, schools, day-care centers, churches, hospitals and publicly owned recreational park areas at the time of publication of the Notice of Intent to File a Permit Application.

New text is added for airport safety. This requirement applies to landfills approved for disposal of animal carcasses. The intent of this new language is to ensure that these landfills do not pose a bird hazard to aircraft.

Section C. Operation Criteria. Portions of text are taken from R.61-107.11 and 61-107.16.

The requirement for storage of unauthorized waste on site is extended from 48-hours in R.61-107.11, Part IV to 30-days. Text from R.61-107.16 regarding installation of scales is used with an exemption for on-site

62 PROPOSED REGULATIONS

landfills. This requirement is new for existing landfills that accept only construction, demolition and land-clearing debris.

Section D. Design Criteria. Portions of text from R.61-107.11, Part IV are used for this section.

Section E. Groundwater Monitoring and Corrective Action. Currently, groundwater monitoring at some of these facilities is not required. Requirements have been added to the regulation for the installation and semi-annual monitoring of a minimum of four properly located groundwater monitoring wells to evaluate groundwater quality. Monitoring parameters will consist of metals, and a select list of volatile organic compounds. The facilities are given the option to modify the monitoring parameter list to reflect what may reasonably be expected to leach from the waste streams disposed in the facility. If groundwater contamination is detected, the regulations outline procedures for assessment of the problem and remediation, if deemed necessary.

Section F. Closure and Post-closure Care. For closure requirements, portions of text from R.61-107.11 are used. The existing cap permeability standards in R.61-107.16, Class 1 landfills are deleted and the less stringent cap requirements in R.61-107.11, Part IV are used. A new requirement is added that requires certification of cap closure at a rate of 4 thickness tests per acre.

Post closure requirements are moved from R.61-107.16. Post closure care is new for existing landfills that accept only construction, demolition, and land-clearing debris landfills.

G. Financial Assurance Criteria. There is a reference to Part I. Section E. for financial assurance requirements.

H. Permit Application Requirements. Text from Regulations 61-107.11, Part IV and 61-107.16 is used.

The section is divided into the different phases of review, e.g., administrative and technical reviews, pursuant to Regulation 61-30, Environmental Protection Fees.

Requirements for determining need, pursuant to Regulation 61-107.17 are added. Text is added to define the parameters for determining annual tonnage limit. A new requirement is added that requires the permit applicant to demonstrate compliance with the 1000 ft. buffer requirement from residences, day-care centers, etc. Public notification requirements are addressed.

I. Permit Conditions and Review. Text from Regulation 61-107.16 and SC Code Section 44-96-290(H) is used.

J. Transfer of Ownership. This section references Part I, F.2.b. for requirements.

Part V. This part addresses Class Three landfills. Text from R.61-107.258, R.61-107.13, R.61-107.16 and 40CRF258 is used as well as some new text. Subsections A through F of this Part are codified to coincide with those Subparts in 40CFR258.

Subpart A. General Provisions. This section establishes minimum criteria for Class Three Landfills. These landfills can accept municipal solid waste, industrial solid waste, sewage sludge, nonhazardous municipal solid waste incinerator ash and other nonhazardous waste.

New language based on 40CFR258 text is added defining conditions regarding research, development, and demonstration (RD&D) permits. It outlines criteria for issuance of RD&D permits for the use of innovative and new methods that vary from the criteria outlined in the regulation that addresses the run-on control systems, liquids restrictions and final cover.

Subpart B. Location Restrictions. Language in this Subpart is based on text from R.61-107.13, R.610197.16, and R.61-107.258 with some new language.

New language is added regarding the location of new landfills that accept putrescible waste in relation to certain types of airports for safety reasons. This language is based on a prohibition enacted in Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Ford Act), and on guidance from the Federal Aviation Administration which administers the Ford Act.

Requirements for Wetlands is changed from existing regulations that reference the Clean Water Act, the Endangered Species Act of 1973, and the Marine Protection, Research, and Sanctuaries Act of 1972 to more concise language that requires compliance with the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Department's requirements concerning wetlands.

Buffer requirements from existing regulation sections are used with some changes. Compliance with the buffer from any residence, day-care center, church, school, hospital or publicly owned recreational park will be determined prior to publication of the Notice of Intent to File a Permit Application. The 1000 ft. buffer from R.61-107.16 and SC Code Section 44-96-325 (which is also consistent with R.61-107.11, Part IV) is used. The buffer from the fill area to the property line is increased to 200 ft. and is consistent with the other classes of landfills. A buffer is added that restricts placement of waste material within any property rights-of-way or within 50 ft. of under-ground or above-ground utility equipment or structures. This buffer is consistent with all other classes of landfills.

Subpart C. Operating Criteria. Language from R.61-107.13, R.61-107.16, and R.61-107.258 is used in this Subpart.

Under Procedures for Excluding the Receipt of Hazardous Waste and Special Waste, the random daily inspection of in-coming waste requirement is expanded by adding a requirement for no less than ten percent inspection of incoming loads.

The requirement that facility personnel notify the Department when a regulated hazardous waste or PCB waste may have been received at the facility is expanded to include a time-frame of seventy-two hours for notifying the Department. This requirement is consistent with Class Two Landfills.

Subpart D. Design Criteria for Class Three Landfills. Language from R.61-107.13, R.61-107.16, R.61-107.258, and 40CFR258 is used in this Subpart.

New text is added to allow monofills that accept coal combustion byproducts testing greater than ten times the maximum contaminant level to be constructed with a clay liner system as outlined.

Under design criteria, new language defines the double FML composite liner system required when the landfill plans to conduct leachate recirculation. The requirement for a double geomembrane liner when municipal solid waste incineration ash is disposed is deleted in compliance with changes to 40CFR258 and SC Code Section 44-96-350.

A new requirement is added for a minimum factor safety against failure based on soil type.

Subpart E. Groundwater Monitoring and Corrective Action. This Subpart is based on 40CFR258 regulations outlined in RCRA. No substantive changes have been made to the language in this Subpart.

Subpart F. Closure and Post-closure Care. Text from R.61-107.13, R.61-107.16, and R.61-107.258 is used plus some new language.

A new item is added that requires a storm water conveyance system for the landfill cap.

64 PROPOSED REGULATIONS

New text is added that requires certification testing of the cap to include one permeability test per acre and four density/thickness tests per acre.

During post closure care, a new requirement that 75% or greater vegetative ground cover be established and maintained is added.

Language regarding grading to promote positive drainage of the final cover system is revised to require at least a 1% but not greater than 4% surface slope, and a 3:1 side slope.

Subpart G. Financial Assurance Criteria. There is a reference to Part I. Section E. for financial assurance requirements.

Subpart H. Permit Application Requirements. Portions of text from R.61-107.13, R.61-107.16, and R.61-107.258 are used in addition to some new text. The format of this section is divided into different phases of review, e.g., administrative and technical reviews, pursuant to Regulation 61-30, Environmental Protection Fees.

A new requirement is added that requires the permit applicant to demonstrate compliance with the 1000 ft. buffer requirement from residences, day-care centers, etc. New text is added that requires a needs determination, pursuant to R.61-107.17. Also, language is added regarding maximum annual tonnage limit. Public notification requirements are added.

Subpart I. Leachate Recirculation. This section is new and outlines requirements for facilities that elect to place leachate generated by the facility back into the waste pile. Leachate and gas condensate generated by the facility are the only liquids allowed to go into the landfill. The section also specifies leachate application criteria and location criteria to ensure that the application of these liquids does not cause operational or structural issues with the landfill.

Subpart J. Permit Conditions and Permit Review. Language from R.61-107.13, R.61-107.16, and R.61-107.258 is used. A statement from SC. Code Section 44-96-290.H. that permits are effective for the design and operational life of the facility is added.

A new requirement is added regarding the Department's 5-year review period. Upon notification by the Department, the permittee must submit a topographic survey showing contours at the beginning and the end of the review period.

Subpart K. Transfer of Ownership. Transfer of Ownership criteria in Part I., Section F.2.b. are referenced.

Appendix I. Acceptable Waste for Class Two Landfills. This Appendix is taken from R.61-107.11 and R.61-107.16 with some changes.

Under the acceptable debris list, cardboard, dry paint cans, dry caulking tubes, packaging material, and tubing are added. Friable asbestos-containing material is also added with a requirement that friable and nonfriable asbestos-containing material be disposed in a designated area and covered immediately upon receipt with at least six inches of acceptable material.

A list of brown goods is added to the acceptable list. Animal carcasses are added to the acceptable list under specified conditions.

Appendix II. Unacceptable Waste for Class Two Landfills. This Appendix is taken from R.61-107.11.

The list of waste that has been in contact with friable asbestos material is deleted from the unacceptable list since it is added to the acceptable list. Also, containers such as empty paint cans and caulking tubes are deleted.

A list of cathode ray tubes and electronic equipment is added to the unacceptable waste for Class Two landfills.

Chromated copper arsenate (e.g., treated lumber) is added to the list of unacceptable preservatives.

Appendix III. Constituents for Detection Monitoring for Class Two Landfills is a new appendix pursuant to the new groundwater monitoring requirements for Class Two Landfills.

Appendix IV. Constituents for Detection Monitoring for Class Three Landfills is taken from R.61-107.258 with no changes.

Appendix V. List of Hazardous Inorganic and Organic Constituents is taken from R.61-107.258 and updated based on revisions to 40CFR258 by adding Propylene dichloride; alpha, alpha-Dimethylphenethylamine; and 2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin to the list of constituents.

Appendix VI. Leachate Testing Parameters for Class Three Landfills is a new appendix that defines the constituents that must be monitored when landfills conduct leachate recirculation.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on February 26, 2007 at 10:00 a.m. in Peeples Auditorium, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested parties on the proposed regulation. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk. Oral and written comments received at the forum will be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Board public hearing scheduled for April 12, 2007 as notice below.

Interested parties are also provided an opportunity to submit written comments during a public comment period by writing to Art Braswell at the Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, Fax Number (803) 896-4001. To be considered, written comments submitted during the public comment period must be received no later than 5:00 p.m. on February 26, 2007. Comments received at the informational forum and during the write-in public comment period shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for April 12, 2007, as noticed below.

Comments received at the forum and during the public comment period noticed above will be submitted in a Summary of Public Comments and Department Responses to the Board for the Board's consideration at the public hearing as noticed below.

Copies of the Notice of Proposed Regulation and the text of the proposed new regulation for public notice and comments may be obtained by contacting Ellen Jennings at Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, telephone (803) 896-4203, Fax: (803) 896-4001, or from the Department's Regulation Development Update website: <http://www.scdhec.gov/administration/regs/>. (At this Internet site, click on Regulation Development Update, Land and Waste Management and scroll down to this proposal.)

66 PROPOSED REGULATIONS

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 make oral or written comments on the proposed Solid Waste Landfills and Structural Fill regulation and proposed repeals at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 12, 2007. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department 24 hours in advance of the meeting. Persons who wish to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Preliminary Fiscal Impact Statement:

If the State or a political subdivision owns a solid waste landfill, it may incur addition costs related to groundwater monitoring, etc., based on the type of landfill.

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.

DESCRIPTION OF THE REGULATION:

(1) Repeal of sections 61-107.11 SWM: Construction, Demolition, and Land-clearing Debris Landfills, 61-107.13 SWM: Municipal Solid Waste Incinerator Ash Landfills, 61-107.16 SWM: Industrial Solid Waste Landfills, and 61-107.258 SWM: Municipal Solid Waste Landfills.

(2) Addition of a new section 61-107.19 SWM: Solid Waste Landfills and Structural Fill to R.61-107, Solid Waste Management, that encompasses all solid waste landfills and structural fill activities.

Purpose of the Regulation: The purpose of this regulation is to update, streamline and clarify requirements addressing disposal of solid waste. This regulation will broaden disposal options and should help alleviate open dumping.

Legal Authority: S.C. Code Sections 44-96-10, et seq.

Plan for Implementation: The proposed amendment through public comment and Department response, will simultaneously repeal Sections 11, 13, 16, and 258, and incorporate this new Section within R.61-107, Solid Waste Management upon approval of the Board of Health and Environmental Control, the General Assembly and publication in the State Register. The amended regulation will be implemented in the same manner in which other regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: This amendment is needed to streamline solid waste disposal regulations; it will reduce the number of solid waste landfill regulation sections in R.61-107 from four to one section. This amendment is also needed to help alleviate open dumping by providing a viable mechanism for structural fill using a suitable waste stream.

A workgroup comprised of representatives from S.C. industries to include the solid waste disposal industry, environmental consultants, Chamber of Commerce Technical Committee, Carolinas Association of General

Contractors, SC Pulp & Paper Association, SC Manufacturers Alliance, Association of Counties, SC utilities, and Department staff developed the criteria on which the amendment is based. This proposed amendment is reasonable because it bases disposal on the type of waste stream instead of the source of generation which allows for more disposal options while still maintaining protection of the environment and public health.

DETERMINATION OF COSTS AND BENEFITS:

Costs:

- groundwater monitoring for Class Two landfills: installation of system; semi-annual (minimum) monitoring costs, post-closure care costs.
- financial assurance for Class Two landfills. (Most existing Class Two landfills already have financial assurance in place. This requirement will impact noncommercial landfills that do not have a financial assurance mechanism.)
- leachate recirculation is optional, therefore cost incurred only when added to the facility.

Benefits:

- Provides more flexibility for disposal with emphasis on type of waste instead of the source of generation of waste. Some landfills will be able to take a wider range of waste types.
- The addition of groundwater monitoring for Class Two landfills will provide a detection mechanism for ensuring better protection of the environment and public health.
- Addition of structural fill requirements should help alleviate open dumping and also encourage reuse of specific items that would otherwise require landfilling.
- Landfills electing to use leachate recirculation will see saving after the initial cost for installation of the system relating to the handling/disposal of leachate, i.e., it will reduce the need for transporting leachate off-site or sending it to a publically owned treatment works.
- It will consolidate, clarify, update and streamline solid waste regulations that address landfilling, thus making solid waste disposal requirements more user-friendly for the regulated community.

UNCERTAINTIES OF ESTIMATES: The Department is unable to estimate these costs with precision since the size and location of the landfill will determine the number of monitoring wells required which will impact the costs of monitoring and the amount of financial assurance needed for Class Two landfills.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: Open dumping has historically been a major problem in the State. By adding a controlled mechanism for use of specific items as structural fill material, open dumping should greatly decrease and some items that were disposed in a landfill can be reused as structural fill. The addition of groundwater monitoring for Class Two landfills will afford better protection of the environment and public health. Any potential problems with a landfill can be detected early-on with groundwater monitoring and addressed before neighboring wells are impacted. Basing disposal on the waste stream itself instead of the source of generation will likely result in fewer landfills in the future.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THIS AMENDMENT IS NOT IMPLEMENTED. Open dumping will continue to be a major problem in S.C. as will all the problems associated with it: defacement of property; fire hazards; potential for groundwater contamination associated with improper disposal; attraction of vectors; and nuisances. The Department will continue to spend an inordinate amount of time dealing with open dumps. The majority of solid waste related complaints received in the EQC Regional Offices are related to open dumping. There is considerable cost associated with clean-up of open dumps. Department resources/man-hours spent on open dumping cases involve district, enforcement, compliance, and criminal investigation staff.

The lack of groundwater monitoring at Class Two type landfills may allow groundwater problems associated with a landfill to become more extensive with greater impact on neighboring properties and greater cleanup costs. The public repeatedly expresses concern to staff at public meetings about the uncertainty of

68 PROPOSED REGULATIONS

knowing if ground water is being impacted by landfills that are not currently required to monitoring groundwater.

STATEMENT OF RATIONALE:

Department staff determined during review of R.61-107 that it was appropriate to revise the regulation to streamline solid waste disposal regulations, broaden solid waste disposal options, and take steps to help alleviate open dumping by providing a viable mechanism for structural fill using a suitable waste stream.

Currently, there are four sections of R.61-107 that address solid waste landfills. The proposed section is comprehensive and combines requirements for all solid waste landfilling issues into one new section. It updates, streamlines, and clarifies requirements addressing disposal of solid waste. It also broadens disposal options by basing disposal on the waste stream itself instead of the source of generation of the waste stream as required by current regulation. This will allow many landfills to take a broader range of waste streams.

On-going problems with open dumping influenced staff to broaden disposal options and provide a mechanism for using specific items as structural fill material. Since 2002, two hundred fifty nine (259) cases dealing with open dumping have been forwarded to the Department's Office of Criminal Investigations for appropriate action. The addition of the new text regarding short-term structural fill activities should help alleviate current problems with open dumping and also allow the use of specific items as outlined in the proposed text for a beneficial purpose.

This proposed new section also includes changes to reflect updates to Title 40 of the Code of Federal Regulations, Part 258 (40CFR258) Criteria for Municipal Solid Waste Landfills, e.g., location restrictions for airport safety; research, development, and demonstration permits; leachate recirculation; and, updates to the appendix. In addition, the new section will include revisions to reflect changes in an amendment of the SC Code Section 44-96-10, et seq., Solid Waste Policy and Management Act, in 2000. These changes include deletion of a requirement for disposal of municipal solid waste incinerator ash in a monofill, and the addition of administratively complete language relating to the Department's review of permit applications.

Representatives from S.C. industries including the solid waste disposal industry, environmental consultants, Chamber of Commerce Technical Committee, Carolinas Association of General Contractors, SC Pulp & Paper Association, SC Manufacturers Alliance, Association of Counties, and SC utilities worked with Department staff to define the scope of this proposed regulation section and to develop reasonable criteria while maintaining protection of the environment and public health. See the Statement of Need and Reasonableness above for more information regarding the factors influencing the decision to revise the regulation.

Text:

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

Document No. 3114
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61

Statutory Authority: S.C. 1976 Code Sections 13-7-10,13-7-40 and 13-7-45 *et seq.* and Supplement

R.61-106. Tanning Facilities

Preamble:

The proposed revisions of R.61-106 are a result of House Bill 3833 that was enacted into law June 9, 2006, as Act 355, and codified at S.C. Code Ann. Section 13-7-45. The overall changes to the regulations will substantially reduce the regulatory burden to the tanning industry. In addition, the Department intends to make language changes that will result in clarifying many sections of the regulations by making them more specific, better organized, and the intent of regulation more clear. The registration requirements and Civil Penalty schedule will be redefined.

A Notice of Drafting for the proposed amendment was published in the State Register on October 27, 2006. All comments received were considered.

Section-by-Section Discussion of Proposed Revisions:

SECTION CITATION AND EXPLANATION OF CHANGE

1) General Provisions.

61-106 Part 1 Section 1.1.1

Regulation requirements for installers / vendors has been removed as amended by the Act.

61-106 Part I Section 1.2

Two new definitions were added: Complaint and Investigation. Several Definitions were removed or modified to coincide with the over all intent of the revisions. Definitions removed are:

- Formal Training
- Override Timer Control
- Tanning Components
- Unlimited
- Vendor

Definitions revised are:

- Inspection
- Sanitize

61-106 Part I Section 1.4

New wording added that stipulates when inspections are warranted.

61-106 Part I Section 1.7

The process of addressing violations is amended.

61-106 Part I Section 1.8

The Enforcement process was changed to Enforcement Actions, whereas the Department may impose a fine if the Department deems a situation could pose a potential public health hazard.

70 PROPOSED REGULATIONS

61-106 Part I Section 1.9 (new) No changes were made regarding fees. The application portion in the regulation was changed to expedite the registration process.

61-106 Part I Impounding & Records Section 1.9 & 1.10 (old) was removed.

61-106 Part I Section 1.11 New wording “initial registration approval” changed to “initial assignment of a registration number”. No initial approval will be required.

61-106 Part I Section 1.12. Monetary Fine chart added based upon the significance of the public health risk. Statement for the appeals process was added.

Part I Section 1.13 The Civil Penalties item by item was deleted in lieu of the Monetary Fines and / or Civil Penalties chart.

(2) Registration of Tanning Facilities and Equipment.

61-106 Part II Section 2.2 Tanning registrants will no longer be required to complete an extensive Application format. The Department will require tanning registrants to register their equipment.

61-106 Part II Section 2.3 The Department will no longer review the tanning facility Operating Procedures, Client Cards, or Alternate Exposure Schedule. The Department will no longer require tanning facilities to post the Departments Warning Posters.

61-106 Part II Section 2.4 (old) The Department will no longer “Approve” tanning facilities. The Department will require facilities to Register their tanning equipment. The Department will issue a registration number.

61-106 Part II Section 2.5 (New) New wording added for calcification of “Report of Change”.

61-106 Part II Section 2.6 (new) A change in wording was used to clarify new requirements.

61-106 Part II Sections 2.7, 2.8, & 2.9 These Sections were removed to fall in line with the intent of the amended regulations.

(3) Standards For The Tanning Facility.

61-106 Part III Section 3.1 New wording added to stipulate the Minimum Public Health Requirements for Tanning Facilities.

61-106 Part III Section 3.2 New wording for headings representing Ultraviolet Radiation Exposure. New Sections 3.2.1 & 3.2.2 indicates the facility responsibilities regarding exposure to ultraviolet radiation.

61-106 Part III Section 3.3 New heading changes. Department Warning Posters are no longer required. Section 3.3 now stipulates the basic Sanitation requirements.

61-106 Part III Section 3.4 Section 3.4.2 stipulates that all tanning equipment must be maintained so as not to cause injury or burn. All additional Sections under 3.4 have been deleted.

61-106 Part III Section 3.5 New heading changes. “Additional Requirements for Stand up Booths and any Cabinet or Vertical Tanning Devise” is no longer required. Section 3.5 now addresses Protective Eyewear requirements.

61-106 Part III Section 3.6 New heading change. Requirements for the Replacement of Ultraviolet Lamps, Bulbs or Filters. Protective Eyewear requirements listed under Section 3.5.

61-106 Part III Section 3.7 This Section was deleted. Sanitation requirements are now listed under Section 3.3.

(4) Deleted Parts that no longer apply.

61-106 Part IV All Sections under Part IV Records, Reports and Instruction have been deleted.

61-106 Part V All Sections under Part VI Operator Requirements have been deleted.


61-106 Part VI All Sections under part VI Vendors have been deleted.

61-106 Appendix A Appendix A Skin Types have been deleted.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on February 27, 2007, at 11:30 a.m. in the Peoples Auditorium, South Carolina Department of Health and Environmental Control (DHEC), 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive formal comments from interested persons on the proposed amendment. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Sections 1-23-110 and -111 as noted below.

Interested persons are also provided an opportunity to submit written comments by writing to Aaron A. Gantt, Chief, Bureau of Radiological Health, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 20201. Written comments must be received no later than 4:00 p.m. on February 27, 2007. Comments received at the forum and during the public comment write in period by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed regulation for public notice and comment may be obtained by contacting Charles G. Ditmer at South Carolina Department of Health and Environmental Control, Bureau of Radiological Health, Division of Electronic Products, 2600 Bull Street, Columbia, South Carolina 29201, or by calling 803-545-4400. A copy of the text can also be obtained on the DHEC Internet Site in its Regulation Development Update at <http://www.scdhec.gov/administration/regs/>. Click  on the Radiological Health Category.

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 make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 12, 2007, 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, South Carolina. Please enter the building at the Bull Street entrance. 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 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

72 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-106 Tanning Facilities.

Purpose: The amendment of R.61-106 is a result of House Bill 3833. This Bill was enacted into law on June 9, 2006 as Act 355, and codified at S.C Code Ann. Section 13-7-45. See Preamble above.

Legal Authority: The legal authority for the Regulation 61-106 is S.C. Code Ann. Sections 13-7-40, 13-7-45, and 13-7-45 *et seq.* and supplement

Plan for Implementation: The proposed amendment of Regulation 61-106 will take effect upon approval by the Board of Health and Environmental Control, the General Assembly, and publication as a final regulation in the S.C. *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

The overall changes to the regulations will substantially reduce the regulatory burden to the tanning industry.

The proposed language changes in the regulations will clarify many Sections and Parts of the regulations.

Redefining the overall purpose of the regulations, registration requirements, and Civil Penalty schedule will clearly identify the intent of the proposed regulations.

DETERMINATION OF COSTS AND BENEFITS:

There is no registration fee increase proposed for the changes in the regulations.

See Preliminary Fiscal Impact Statement above for costs to the State and its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no known uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions of R. 61-106 will clarify the intent of the overall regulations. In the event of a significant public health risk, the Department will have the authority to intervene.

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

The proposed regulations are based on a statutory mandate pursuant to House Bill 3833, enacted into law on June 9, 2006, as Act 355 S.C. Code Ann. Section 13-7-45.

Statement of Rationale:

The Department is proposing to amend R.61-106 as required by State law pursuant to Act 355 (June 9, 2006), which changed S.C. Code Ann. Section 13-7-45. The most significant changes are redefining the registration requirements and Civil Penalty schedule. The Department intends to make language changes that will result in clarifying many sections of the regulations by making them more specific, better organized, and the intent of regulation more clear.

Text:

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

Document No. 3115
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-9-180; 1-23-110 *et seq.*;

69-57.2. Recognition Of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities

Preamble:

Pursuant to S.C. Code Ann. Section 38-9-180, the Department proposes to promulgate Regulation 69-57.2, in order to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities, in accordance with applicable provisions of S.C. Code Section 38-9-180, the Standard Valuation Law, and Regulation 69-57, Valuation of Life Insurance Policies. The 2001 CSO mortality table does not currently make allowances for preferred underwriting classes. The proposed regulation is based upon a recently approved NAIC model regulation. The regulation requires insurers electing to use the preferred class structure mortality table to report certain information, including mortality experience, unless exempted by the Director. The proposed effective date of this regulation is April 1, 2007.

Section-by-Section Discussion

The proposed regulation shall include the following sections:

SECTION CITATION:	SECTION TITLE	EXPLANATION
69-57.2, Section 1	Authority	This section sets forth the authority for the promulgation of the regulation.
69-57.2, Section 2	Purpose	This section sets forth the purpose of the regulation. The regulation is designed to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives for determining minimum reserves.
69-57.2, Section 3	Definitions	This section sets forth definitions of pertinent terms used in the regulation such as 2001 CSO Mortality Table, 2001 Preferred Class Structure Mortality Table and Statistical agent.
69-57.2, Section 4	2001 CSO Preferred Class Structure Table	This section permits a company to substitute the 2001 Preferred Class Mortality Table in place of

74 PROPOSED REGULATIONS

69-57.2, Section 5	Conditions	<p>the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after April 1, 2007 under certain conditions and adopts the 2001 Preferred Class Structure Mortality Table by reference.</p> <p>This section sets forth the conditions that must be met before an insurer may elect to use the preferred class structure mortality table in place of the 2001 CSO smoker/nonsmoker mortality table; and annually thereafter requires each insurer that opts to use the preferred mortality tables to file statistical reports showing experience, which can be used in future updates to the preferred mortality tables and to administer the requirements of the regulation.</p>
69-57.2, Section 6	Separability	<p>This section allows a provision of the regulation to be deleted from the regulation if it is declared null or void for some reason without affecting the validity of the remaining provisions of the regulation.</p>
69-57.2, Section 7	Effective Date	<p>This provision sets forth the date the regulation is considered effective.</p>

A Notice of Drafting for this regulation was published on December 22, 2007 in Volume 30, Issue No. 12, of the *State Register*.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and written comments on the proposed regulation at a public hearing to be conducted by the Administrative Law Court on March 6, 2007 at 10:00 a.m. The order of presentation for this public hearing is set forth in the rules for the Administrative Law Court. Persons wishing to make oral comments at the hearing must request a hearing and 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 on the proposed regulation by writing to Leslie Jones, Executive Assistant and Consulting Actuary, South Carolina Department of Insurance, 300 Arbor Lake Drive, Suite 1200, Columbia, South Carolina 29223. Comments must be received no later than 5:00 p.m. on February 20, 2007. The comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on March 6, 2007, as noticed above.

Preliminary Fiscal Impact Statement:

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

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) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 69-57.2, Recognition Of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities.

Purpose: The Department proposes to create Regulation 69-57.2 in order to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities, in accordance with applicable provisions of South Carolina Code of Laws Section 38-9-180, the Standard Valuation Law, and Regulation 69-57, Valuation of Life Insurance Policies.

Legal Authority: The legal authority for Regulation 69-57.2, Recognition Of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities, are sections 1-23-110 et seq., 38-3-110 et seq., and 38-9-180.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the South Carolina State Register. Copies of the final regulation will be distributed to all stakeholders and the regulated community through electronic mail, the United States postal service to a mailing list of interested persons, and via the internet on the Department's website.

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

This regulation permits companies to opt to use the 2001 Preferred Class Structure Mortality table in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after April 1, 2007. The 2001 CSO Mortality table does not currently make allowances for preferred underwriting classes. This regulation will allow the recognition of those preferred underwriting classes based upon the Preferred Mortality Table, if certain conditions are met.

DETERMINATION OF COSTS AND BENEFITS: There will be no increased cost to the State or its political subdivisions, nor will the proposed regulation result in any increased cost to the regulated community. The proposed regulation will benefit the regulated community by eliminating any potential redundancies in reserves.

An insurer may choose to use the preferred mortality tables authorized by this regulation. Costs for insurers that choose to implement the 2001 Preferred Class Structure Mortality Table include actuarial costs and programming costs. Actuarial costs would include required annual certifications, reserve calculations, workpapers and reporting of experience. The Department anticipates, however, that the costs of compliance will be offset by the savings in costs that would otherwise be needed to support redundant reserves such as reinsurance costs. The reserve reductions by company will vary.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimate relative to the costs to the state or its political subdivisions. The proposed regulation will permit the recognition of preferred and standard mortality tables in establishing reserves for life insurance policies if elected by the insurer after certain conditions are met.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There proposed regulation will have no impact on the environment or public health. The anticipated public benefits of this proposed regulation include enhanced availability of life insurance and reduced need for price increases to fund redundant reserves. This benefit may be more prominent for term life insurance covering insureds who are in excellent health or those considered to be in good health based on the underwriting criteria at issue.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There would be no detrimental effect on the environment and public health if the proposed regulation is not adopted. It could mean, however, that some life insurers may seek price increases to support the holding of redundant reserves.

76 PROPOSED REGULATIONS

Statement of Rationale:

This proposed regulation is based upon the model regulation that was adopted by the National Association of Insurance Commissioners in September 2006. No other reports or studies were relied upon in drafting this regulation.

Text:

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

Document No. 3116
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 1-23-110 et seq.; 38-79-10 et seq.; and 38-81-10 et seq.

69-21. Filing of Malpractice Insurance Claims With Chief Insurance Commissioner

Preamble:

The Department proposes to repeal in its entirety Regulation 69-21, Filing of Insurance Claims With Chief Insurance Commissioner. Regulation 69-21 was promulgated to implement the requirements of Sections 38-79-10 et seq. and 38-81-10 et seq. Section 38-79-10 required insurers to file medical malpractice claims with the chief insurance commissioner on a form approved by the commissioner. Section 38-79-10 was repealed in 1998. Insurers are no longer required to report medical malpractice claims to the Department. Consequently, Regulation 69-21, which implements this statutory provision, is no longer necessary.

Section-by-Section Discussion

Repeal Regulation 69-21 Filing of Malpractice Insurance Claims With Chief Insurance Commissioner in its entirety.

A Notice of Drafting for the repeal of Regulation 69-21 was published on October 27, 2006 in Volume 30, Issue No. 10, of the *State Register*.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the repeal of Regulation 69-21 at a public hearing to be conducted by the Administrative Law Court on March 1, 2007 at 2:00 p.m. The order of presentation for this public hearing is set forth in the rules for the Administrative Law Court. Persons wishing to make oral comments at the hearing must request a hearing and are asked to limit their statements to five minutes or less, and are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the repeal of Regulation 69-21 by sending them to Leslie Jones, Executive Assistant and Consulting Actuary, South Carolina Department of Insurance, 300 Arbor Lake Drive, Suite 1200, Columbia, South Carolina 29223. Comments must be received no later than 5:00 p.m., February 20, 2007.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

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) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

Purpose: The Department proposes to repeal Regulation 69-21 as it is no longer necessary due to the repeal of Section 38-79-10.

Legal Authority: The legal authority for the repeal of Regulation 69-21, Filing of Malpractice Insurance Claims With Chief Insurance Commissioner, are Sections 1-23-110 et seq., 38-3-110 et seq., and 38-79-10 et seq. and 38-81-10 et seq..

Plan for Implementation: The repeal of Regulation 69-21 will take effect upon approval by the General Assembly and publication in the *State Register*.

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

Section 38-79-10 which required insurers to file medical malpractice claim information with the Department was repealed in 1998. Insurers are no longer required to file medical malpractice claim information therefore Regulation 69-21 is no longer necessary.

DETERMINATION OF COSTS AND BENEFITS: There will be no increased cost to the State or its political subdivisions, nor will the repeal of Regulation 69-21 result in any increased cost to the regulated community.

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The repeal of this regulation will have no impact on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The repeal of this regulation will have no detrimental effect on the environment and public health of this State if the repeal of 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>. Full text may also be obtained from the promulgating agency.

78 PROPOSED REGULATIONS

Document No. 3117
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 1-23-110 et seq.; 38-73-540.

69-55. Workers' Compensation Assigned Risk Rates

Preamble:

The Department proposes to repeal Regulation 69-55 in its entirety. Regulation 69-55 was promulgated to implement a process for the determination of workers' compensation assigned risk rates. This regulation is no longer necessary as rates for the voluntary workers' compensation market and assigned risk workers' compensation market will be synchronized. South Carolina law requires that the rates used in the workers' compensation assigned risk plan be self-sustaining. *See* S.C. Code Ann. §38-73-540 (2002). As the loss costs for the workers' compensation voluntary market (voluntary loss costs) serve as the basis for the rates in the assigned risk market, any approved revision to the current voluntary loss cost level would necessitate a similar change in the current assigned risk rate level. For this reason, the Department issued an order establishing a process that synchronized rate or rule changes in the voluntary and assigned risk workers' compensation insurance markets. The synchronization procedure was approved by the Administrative Law Court in *Consumer Advocate for the State of South Carolina v. South Carolina Department of Insurance*, Docket No. 05-ALJ-09-0406-CC. Under this process, changes to loss costs in the voluntary market would automatically flow into the assigned risk market making the process set forth in Regulation 69-55 no longer necessary.

Section-by-Section Discussion

The proposed regulation would repeal Regulation 69-55 in its entirety.

A Notice of Drafting for the repeal of Regulation 69-55 was published on October 27, 2006 in Volume 30, Issue No. 10, of the *State Register*.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the repeal of Regulation 69-55 at a public hearing to be conducted by the Administrative Law Court on March 1, 2007 at 11:00 a.m. The order of presentation for this public hearing is set forth in the rules for the Administrative Law Court. Persons wishing 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 Leslie Jones, Executive Assistant and Consulting Actuary, South Carolina Department of Insurance, 300 Arbor Lake Drive, Suite 1200, Columbia, South Carolina 29223. Comments must be received no later than 5:00 p.m. on February 20, 2007.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

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) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

Purpose: The Department proposes to repeal in its entirety Regulation 69-55 because the procedure outlined in Regulation 69-55 is no longer necessary. Rates for the voluntary market and the assigned risk plan will be synchronized.

Legal Authority: The legal authority for the repeal of Regulation 69-55 is Section 1-23-110 et seq., Section 38-3-110 et seq., Section 38-73-540 and Section 38-73-10 et seq.

Plan for Implementation: The repeal of Regulation 69-55 will take effect upon approval by the General Assembly and publication in the *State Register*.

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

Since the rates for the voluntary workers' compensation and assigned risk market will be synchronized, the procedure outlined in Regulation 69-55 is no longer necessary.

DETERMINATION OF COSTS AND BENEFITS: There will be no increased cost to the State or any political subdivisions.

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The repeal of this regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The repeal of this regulation will have no detrimental effect on the environment and public health of this State if the repeal of this regulation is not implemented in this State.

Text:

69-55. Workers' Compensation Assigned Risk Rates. Repealed.

Document No. 3118

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD OF DENTISTRY

CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40 and 40-15-172.

Preamble:

The Board of Dentistry is proposing to add new Regulation 39-18 to implement Section 40-15-172 of the 1976 Code of Laws of South Carolina, as amended (2006 Act 378) regarding requirements of mobile dental facilities and portable dental operations by defining terms and providing for the issuance and renewal of registration.

Section by Section Discussion:

Regulation 39-18. Mobile Dental Facilities and Portable Dental Operations.

80 PROPOSED REGULATIONS

Adds new section Regulation 39-18 regarding implementation of Section 40-15-172 (2006 Act 378) concerning mobile dental facilities and portable dental operations.

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 Court at 10:00 a.m. on Thursday, March 15, 2007. Written comments may be directed to H. Rion Alvey, Administrator, Board of Dentistry, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, March 1, 2007.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

The Board of Dentistry has determined that the implementation of Section 40-15-172 (2006 Act 378) regarding mobile dental facilities and portable dental operations requires the addition of this regulation to establish definitions and procedures for the issuance and renewal of registration.

DESCRIPTION OF REGULATION:

Purpose: To add the requirements of mobile dental facilities and portable dental operations to current regulations.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40 and 40-15-172.

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the applicants through written and oral communications.

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

This regulation needs to be added in conformance with Section 40-15-172 (2006 Act 378).

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

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 enhanced by the implementation of Section 40-15-172 (2006 Act 378).

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 if the regulation is not implemented in this State. The public health may be detrimentally affected by confusion and uncertainty in the implementation of Section 40-15-172 (2006 Act 378).

Statement of Rationale:

This regulation includes requirements for mobile dental facilities and portable dental operations to implement Section 40-15-172 (2006 Act 378).

Text:

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

Document No. 3119
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
 CHAPTER 137
 Statutory Authority: 1976 Code Sections 40-60-60 and 40-60-90.

Preamble:

The Real Estate Appraisers Board is proposing to amend Regulations 137-100.02 through 137-900.09 regarding education and licensure standards by updating the language and clarifying requirements to conform to 2006 Act 257.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Real Estate Appraisers Board:

137-100.02. Qualifications.

(A) Adds abbreviations for the national real estate appraisers boards—Appraiser Qualifications Board (AQB) and Appraisal Standards Board (ASB).

(B) Adds specifics for core curriculum.

(C)(1) Changes core curriculum hours from 90 to 150 for state licensed real estate appraiser licensees with specific course names in the core curriculum.

(2) Adds qualifying experience requirements to USPAP competency.

(3) Adds requirement of commencement date of first completed assignment in reference to 24 month experience period.

(4) Adds 5 year limit between passing Board-approved examination and licensure.

(D)(1) Changes core curriculum hours from 120 to 200 for state certified residential real estate appraisers with specific course names in the core curriculum.

(2) New section; adds specific curriculum of collegiate subject matter courses for state certified residential real estate appraiser applicants with an associates degree or higher education.

(3) Renumbers for clarity; adds qualifying experience requirements to USPAP competency.

(4) Renumbers for clarity; adds requirement of commencement date of first completed assignment in reference to 24 month experience period.

(5) Renumbers for clarity; adds 2 year limit between passing Board approved examination and licensure.

(E)(1) Changes core curriculum hours from 180 to 300 for state certified general real estate appraiser licensees with specific course names in the core curriculum.

(2) Adds specific curriculum of collegiate subject matter courses for state certified general real estate appraiser applicants with a bachelors degree or higher education.

(3) Renumbers for clarity; adds qualifying experience requirements to USPAP competency.

(4) Renumbers for clarity; adds requirement of commencement date of first completed assignment in reference to 24 month experience period.

(5) Renumbers for clarity; Adds 2 year limit between passing Board approved examination and licensure.

(F) New section; adds progressive nature of qualifying education requirements.

(G) Renumbers for clarity; no substantive changes.

82 PROPOSED REGULATIONS

137-200.04. Mass Appraisal Experience Verification.

Adds experience log in compliance with 137-300.01(A)(2).

137-300.01. Responsibilities Of An Appraiser Apprentice.

(A)(1) Deletes “state licensed” as redundant.

(2)(d) New; adds type of property for experience log entries.

(2)(e)-(f) Renumbers for clarity.

(2)(g) Deletes “license or” as redundant and adds “signature.”

(3) No substantive changes.

(4) Deletes annual submission to the Board.

(5) No substantive changes.

(6) Adds more to eligibility requirement for apprentices.

Deletes blank B section.

137-300.02. Responsibilities Of A Supervising Appraiser.

(A)(3)(a)-(b) Renumbers for clarity.

(B)(3)-(5) New; adds provisions for supervising appraisers of appraiser apprentices to accompany apprentices until 75 experience points are documented, to jointly maintain the experience log, and to be in good standing with Board and without prior disciplinary action within the past two years.

137-500.01. Continuing Education.

(A) Changes continuing education requirement from 14 hours to 28 hours and adds those hours must be taken biennially.

(B) Deletes “each year” for continuing education form submittal since CE is now completed biennially.

(C)(1) No substantive changes.

(2) Deletes “C-level (C-1, C-2 or C-3 course)” and adds “Certified Residential or Certified General Level Course.”

(3) Changes years from 3 to 2 for credit for same category course.

(4) Changes “Uniform Standards of Professional Appraiser Practice (“L-3” category course)” to “The 7-hour National Uniform Standards of Professional Appraiser Practice Update Course;” changes time to take course from every 5 years to every 2 years.

Deletes (5) and (6)

(D) No substantive changes.

Deletes former (E).

(E) Renumbers for clarity; No substantive changes.

(F) Renumbers for clarity; No substantive changes.

(G) Renumbers for clarity; Adds exception for approved instructors receiving up to one-half continuing education credit for teaching continuing education courses.

137-600.01. Written Complaints.

Deletes “Registration” and “registered;” adds “permitted.”

137-600.04. Disciplinary Actions.

No substantive changes, except for deletes “Registration” and “registered” in (A), and adds “apprentice;” deletes “registration” in (B) and adds “permit.” Deletes “Registration” and “registered” in (D)(5).

137-700.02. Role of Board Members.

No substantive changes, except for deletes “Registration” in (2).

137-800.03. Annual Fee Schedule.

Adds “Annual” to Regulation title of “Fee Schedule;” Deletes fees relating to registration and “registration” from fee titles; Changes additional Federal Registry fee from \$35 to \$25, annually.

137-800.04. Permit, License and Certification Renewals.

Deletes "Registration" from title and all references to registration from paragraph; Adds that licenses and certifications expire biennially and on June 30, with exception for licensees licensed in the last quarter of the fiscal year.

137-800.05. Expired Permit, License or Certificate.

Deletes "Registration" from title and all references to registration from paragraphs. Adds "7-hour National Uniform Standards of Professional Appraisal Practice Update Course."

137-800.06. Disclosure Of Appraiser Classification and Number.

No substantive changes, except to add "or her."

137-900.05. Curriculum and Attendance.

(A) Adds precicensure appraisal courses established by AQB.

Deletes former (B), (C), (D) and (E).

(B) New; adds specific required course curriculum for apprentice with 75 required hours.

(C) New; adds specific required course curriculum for state licensed appraisers with 150 required hours.

(D) New; adds specific required course curriculum for state certified residential appraisers with 200 required hours.

(E) New; adds specific required course curriculum for state certified general appraisers with 300 required hours.

(F)-(M) Renumbers for clarity; no substantive changes except for deletion of "social security number" on class rosters and the Certificate of Completion in (L) and (M).

137-900.08. Other Operating Procedures.

(A) No substantive changes.

(B) New section with requirements for Distance Education Courses acceptable for qualifying and continuing education courses.

(C)-(G) Renumbers for clarity; no substantive changes.

137-900.09. Instructors.

(A) No substantive changes

(B)(1)(a) Changes "L-1, L-2, L-3 and CR courses" to "License and Certified Residential Level Courses;" Deletes "license or certification" and adds "certified residential or certified general appraiser certificate" for clarity.

(b) Deletes "pre-certification courses" and adds "Certified General Level Courses."

(c)-(e) No substantive changes.

(2)-(3) No substantive changes.

(C) New section with certified appraiser requirement for instructors of 15-hour and 7-hour USPAP courses.

(D)-(I) No substantive changes.

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 Court at 2:00 p.m. on Thursday, March 15, 2007. Written comments may be directed to John R. Pitts, Administrator, Real Estate Appraisers Board, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Thursday, March 1, 2007.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

84 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

The Real Estate Appraisers Board has determined that these regulations are needed to clarify requirements to conform to 2006 Act No. 257.

DESCRIPTION OF REGULATION:

Purpose: To amend the regulations for clarity, particularly in regard to continuing education and core curriculum; in conformance with 2006 Act No. 257.

Legal Authority: Statutory Authority: 1976 Code Sections 40-60-60 and 40-60-90.

Plan for Implementation: Administratively, the Board will see these provisions are implemented by informing the applicants through written and oral communications.

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

These regulations need to be amended in order to ensure compliance with National USPAP standards for real estate appraisal.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. The public health of this State will be enhanced by conformance of the guidelines to national standards.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NO IMPLEMENTED:

These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

Statement of Rationale:

Regulations 137-100.02 through 137-900.09 require amendment regarding education and licensure standards by updating the language and clarifying requirements, in conformance with 2006 Act 257.

Text:

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

Document No. 3109

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Regulation 117-1720.1

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Generally speaking, the Department of Revenue (DOR) has

jurisdiction over the duties involved with the proper assessment of property for tax purposes and the proper calculation of property taxes, while the Comptroller General supervised the collection of taxes and penalties, and administered the Homestead Tax Exemption Program, including the exemption from school operations found in Section 12-37-251, except for those functions specifically reserved to the DOR. There were "gray" areas as to when the assessment of property for tax purposes and the proper calculation of property taxes ends (DOR) and the collection jurisdiction (Comptroller General) began. These areas which were not clearly assigned by the statutes were divided by agreement between the two agencies. This regulation formalized this agreement.

The responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006. Therefore, SC Regulation 117-1720.1 is no longer needed.

Discussion

The South Carolina Department of Revenue is considering repealing SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Generally speaking, the Department of Revenue (DOR) has jurisdiction over the duties involved with the proper assessment of property for tax purposes and the proper calculation of property taxes, while the Comptroller General supervised the collection of taxes and penalties, and administered the Homestead Tax Exemption Program, including the exemption from school operations found in Section 12-37-251, except for those functions specifically reserved to the DOR. There were "gray" areas as to when the assessment of property for tax purposes and the proper calculation of property taxes ends (DOR) and the collection jurisdiction (Comptroller General) began. These areas which were not clearly assigned by the statutes were divided by agreement between the two agencies. This regulation formalized this agreement. The responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006. Therefore, SC Regulation 117-1720.1 is no longer needed.

Text:

R. 117-1720.1 is repealed.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Second Floor) on the Capitol Complex (1205 Pendleton Street – Suite 224) in Columbia, South Carolina for Wednesday, March 14, 2007 at 10:00 am if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Since the responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006, SC Regulation 117-1720.1 is no longer needed.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2000), to issue a report that the proposal to repeal the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by February 27, 2007:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland

86 PROPOSED REGULATIONS

P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to repeal SC Regulation 117-1720.1 concerning the responsibilities of the Department of Revenue and the Comptroller General with respect to property taxation and fees in lieu of property taxes. Since the responsibilities of the Comptroller General discussed in this regulation have now been moved to the Department of Revenue pursuant to Act 386, Section 55, of 2006, SC Regulation 117-1720.1 is no longer needed.

The proposal to repeal this regulation is needed to reduce any taxpayer confusion that may result from having a regulation that no longer reflects how these tax issues are handled and is therefore no longer needed. The proposal to repeal this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date.

Document No. 3110
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320
Regulation 117-318.8

Preamble:

The South Carolina Department of Revenue is considering adding SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. The Department has followed a 1967 Commission Decision concerning returned merchandise and restocking fees, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the "full sales price" is refunded in cash or by credit.

Discussion

The South Carolina Department of Revenue is considering adding SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. Code Section 12-36-90 defines the term "gross proceeds of sales," the measure or basis for the sales tax, in part as "... the value proceeding or accruing from the sale, lease, or rental of tangible personal property... without any deduction for... the cost of materials, labor, or service... [or] any other expenses ..." Further, the definition specifically states that the term "gross proceeds of sales" does not include "the sales price of property returned by customers when the full sales price is refunded in cash or by credit." However, a 1967

Commission Decision states that the sales price of property returned by a customer is not subject to the tax even if a restocking fee is charged and the “full sales price” is not refunded in cash or by credit.” The Department has followed this Commission Decision, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the “full sales price” is refunded in cash or by credit. The regulation would be effective on October 1, 2007.

Text:

117-318.8 Returned Merchandise and Restocking Fees (Effective October 1, 2007)

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

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Tuesday, March 13, 2007 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to add SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. The regulation would be effective on October 1, 2007.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by February 27, 2007:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation. There will be a minimal increase to general fund collections.

Summary of the Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Preliminary Assessment Report:

A preliminary assessment report is not required for this proposal.

Statement of Rationale:

The purpose of this proposal is to add SC Regulation 117-318.8 concerning the application of the sales and use tax with respect to returned merchandise and restocking fees. Presently, Code Section 12-36-90 defines the term “gross proceeds of sales,” the measure or basis for the sales tax, in part as “... the value proceeding or

88 PROPOSED REGULATIONS

accruing from the sale, lease, or rental of tangible personal property... without any deduction for... the cost of materials, labor, or service... [or] any other expenses ...” Further, the definition specifically states that the term “gross proceeds of sales” does not include “the sales price of property returned by customers when the full sales price is refunded in cash or by credit.” However, a 1967 Commission Decision states that the sales price of property returned by a customer is not subject to the tax even if a restocking fee is charged and the “full sales price” is not refunded in cash or by credit.” The Department has followed this Commission Decision, but believes it is an incorrect interpretation of the statute and is considering adding a regulation to provide that the sales price of property returned by a customer is not subject to the tax only if the “full sales price” is refunded in cash or by credit. The proposal to add this regulation is needed to reduce any taxpayer confusion that may result from having a published regulation that is in conflict with the law. The proposal to amend this regulation is also reasonable in that it is the department’s responsibility to maintain regulations that are up-to date and consistent with the law. The regulation would be effective on October 1, 2007.

Statement of Need and Reasonableness:

The proposal to add this regulation is needed to reduce any taxpayer confusion that may result from having a published regulation that is in conflict with the law. The proposal to amend this regulation is also reasonable in that it is the department’s responsibility to maintain regulations that are up-to date and consistent with the law. The regulation would be effective on October 1, 2007.

Filed January 3, 2007, 2:25 pm

Document No. 3107
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-9-740, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-2200 and 50-11-2210.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because this special season occurs on January 6, 2007 it is necessary to file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

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

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

(G) Francis Marion National Forest

During the January 6, 2007 Statewide Youth Deer Hunt, the Northampton Unit is open to youth deer hunting with dogs. Limit 2 deer, either-sex.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because this special season occurs on January 6, 2007 it is necessary to file these regulations as emergency.

Fiscal Impact Statement:

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

90 FINAL REGULATIONS

Document No. 3098
STATE BOARD OF EDUCATION
Chapter 43
Statutory Authority: 20 U.S.C. § 7844 (Supp. 2003)

43-272.2. Review Process for Homeless Children and Unaccompanied Youth

Synopsis:

This proposed regulation addresses a finding and recommendation made by a monitoring team from the United States Department of Education (USED) in June 2006. Pursuant to section 9304 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. § 7844 (Supp. 2003)), the USED is requiring that the State Department of Education (SDE) “make necessary revisions regarding dispute resolution procedures to allow the SDE to provide oversight and state-level review of local dispute resolution decisions for families of homeless children and youth.”

Section-by-Section

Not required because regulation is being promulgated pursuant to federal law.

The Notice of Drafting was published in the *State Register* on September 22, 2006.

Instructions: New Regulation 43-272.2 Review Process for Homeless Children and Unaccompanied Youth, added to Chapter 43 regulations.

Text:

R 43-272.2, State-Level Resolution Process for Disputes Involving Unaccompanied Youth and Homeless Children

The federal Stewart B. McKinney Homeless Assistance Act requires that each state implement a state-level process to review district-level decisions regarding the enrollment of a homeless child or an unaccompanied youth. An unaccompanied youth or the parent or guardian of a homeless child may request that the state conduct a review of a school district’s final decision regarding an enrollment issue. The contact person at the State Department of Education is the coordinator for the Office of Coordinator for Education of Homeless Children and Youth.

Under no circumstances must resolution of a dispute delay the school enrollment of an unaccompanied youth or a homeless child. That is, during the pendency of any administrative or judicial proceeding regarding a dispute over the enrollment of an unaccompanied youth or homeless child, the student must continuously be enrolled in school, be provided all relevant services, and be allowed to participate fully in all school activities (as consistent with the Stewart B. McKinney Homeless Assistance Act, as amended).

I. Responsibilities of the School District

A. When it is determined that a dispute cannot be settled at the district level, the school district must carry out the following responsibilities in a timely manner:

1. inform the unaccompanied youth or the parent or guardian of the homeless child concerning his or her right to request that the State Department of Education review the decision of the school district,
2. inform the unaccompanied youth or the parent or guardian of the homeless child that this request must be made either on the district-supplied request-for-review form or by a telephone interview with the

coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth,

3. give the unaccompanied youth or the parent or guardian of the homeless child a copy of the State Department of Education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth, and

4. inform the unaccompanied youth or the parent or guardian of the homeless child that he or she may seek the assistance of advocates or attorneys for the review.

B. Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed request-for-review form or has conducted a full telephone interview with the youth or the parent or guardian, the coordinator will send a copy of the completed form and any other relevant material to the school district.

The school district must send a written response to the state and to the person filing the state review request within five business days from the date it receives the request-for-review form.

II. Responsibilities of the Youth or the Parent or Guardian

A. The unaccompanied youth or the parent or guardian of the homeless child must complete and return the request-for-review form to the address designated on the form or must telephone the coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review.

B. The youth or the parent or guardian either may attach to the form any additional information he or she thinks is relevant or may telephone the coordinator and provide the information orally.

III. Responsibilities of the Coordinator

A. The coordinator for the education of homeless children and youths will conduct all state reviews requested by unaccompanied youths or the parents or guardians of homeless children.

B. The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his or her determination.

C. The coordinator will make a final decision within ten business days of receiving the written response from the school district. The decision of the coordinator is binding and will be effective immediately.

Fiscal Impact Statement: Fiscal impact to be determined

Statement of Rationale:

This proposed regulation addresses a finding and recommendation made by a monitoring team from the United States Department of Education (USED) in June 2006. Pursuant to section 9304 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. § 7844 (Supp. 2003)), the USED is requiring that the State Department of Education (SDE) "make necessary revisions regarding dispute resolution procedures to allow the SDE to provide oversight and state-level review of local dispute resolution decisions for families of homeless children and youth."

A copy of the Statement of Rationale is available upon request in the Office of Safe Schools and Youth Services, 1429 Senate Street, Rutledge Building, Room 808-B, Columbia, South Carolina 29201.