

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.

2011 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$100.00. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163			Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161			Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162			Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4174			Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175			Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176			Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180			Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4182			Licensure for the Savannah River	3/19/12	Commissioners of Pilotage
4179			Electronic Equipment Collection and Recovery	3/24/12	Department of Health and Envir Control
4181			Certification of Need for Health Facilities and Services	5/07/12	Department of Health and Envir Control
Committee Request Assessment Report					
4132			Environmental Protection Fees (Radioactive Material Licenses Fees)	Tolled	Department of Health and Envir Control
4139			Environmental Protection Fees (Drinking Water Fees)	Tolled	Department of Health and Envir Control
Committee Request Withdrawal					
4168			Perpetual Care Cemetery Board	Tolled	SC Perpetual Care Cemetery Board
4164			Child Labor	Tolled	Division of Labor
4183			International Residential Code	Tolled	LLR-Building Codes Council
4184			Update of International and National Codes	Tolled	LLR-Building Codes Council
Resolution Introduced to Disapprove					
4126			South Carolina Pesticide Control (R.27-1079 only)	Tolled	Clemson University-State Crop Pest Comm.

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
Committee Request Assessment Report			
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
Committee Request Withdrawal			
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources

Executive Order No. 2011-14

WHEREAS, Jack L. Kindle has resigned as Chester County Treasurer effective June 30, 2011; and

WHEREAS, the undersigned is authorized to appoint a County Treasurer in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 12-45-20 of the South Carolina Code of Laws, as amended; and

WHEREAS, Thomas E. Darby residing at 2478 Cameron Road, Chester, South Carolina 29706 is a fit and proper person to serve as the Treasurer of Chester County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Thomas E. Darby as Treasurer of Chester County until the next general election and until his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 5th DAY OF JULY, 2011.**

NIKKI R. HALEY
Governor

Executive Order No. 2011-15

WHEREAS, the Labor Market Information – One Stop Core Services Program was transferred to the South Carolina Department of Commerce from the former South Carolina Employment Security Commission by Executive Order No. 2007-17 in order to increase accountability and improve coordination of workforce development and economic development in South Carolina; and

WHEREAS, the Department of Commerce has since integrated the systems for collecting economic and workforce information, economic development assessments, and common reporting and performance measures into the Labor Market Information – Workforce Information Grant; and

WHEREAS, the Labor Market Information – Workforce Information Grant, as developed by the Department of Commerce, ensures that the state has an integrated approach to workforce information reporting; and

WHEREAS, such integrated approach to workforce information reporting should continue in the most expeditious manner that provides accountability and optimal coordination of workforce development and economic development within the state; and

WHEREAS, the South Carolina Department of Employment and Workforce, created by Act No. 146 of 2010 as part of the governor's cabinet, receives federal funds to develop, analyze, and disseminate Labor Market Information; and

WHEREAS, positioning the Labor Market Information – Workforce Information Grant within the Department of Employment and Workforce would consolidate all Labor Market Information programs into one cabinet agency, thereby making workforce information reporting more efficient, while continuing the current level of accountability.

4 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the powers conferred upon me by Public Law 105-220, I hereby transfer the administration of the Labor Market Information – Workforce Information Grant currently at the Department of Commerce to the Department of Employment and Workforce.

FURTHER, I direct the Department of Commerce and the Department of Employment and Workforce to work together openly and cooperatively to ensure a successful transition of the Labor Market Information – Workforce Information Grant to be completed no later than September 1, 2011.

Executive Order 2007-17 is rescinded.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF JULY, 2011.**

**NIKKI R. HALEY
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**PUBLIC NOTICE****NOTICE OF FINAL AMENDMENT TO AIR QUALITY STATE IMPLEMENTATION PLAN**

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

Synopsis:

The South Carolina Department of Health and Environmental Control (Department) has amended the South Carolina Air Quality Implementation Plan (SIP) as it relates to the Rock Hill Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) 8-hour ozone nonattainment area.

In a *Federal Register* (FR) notice published on July 18, 1997 (62 FR 38856), the United States Environmental Protection Agency (EPA) promulgated amendments to the National Ambient Air Quality Standards (NAAQS) for ozone. On April 30, 2004 (69 FR 23858), the EPA designated and classified a portion of York County, South Carolina within the RFATS MPO boundary as a moderate nonattainment area for the 8-hour ozone NAAQS as part of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area.

Air quality monitoring data from 2008 to 2010 indicate that all monitors within the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area currently meet the 1997 8-hour ozone NAAQS of 0.08 ppm. As such, the Department has submitted a SIP revision which requests that the EPA redesignate the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC Nonattainment Area to attainment for the 1997 8-hour ozone NAAQS. This revision also provided a maintenance plan which fulfills the requirements of Section 175A of the Clean Air Act as amended, that will ensure the area attains the 1997 8-hour ozone NAAQS through 2022.

The Department published a Notice of Intent to Revise the SIP which included an announcement of a 30-day comment period and opportunity to request a public hearing in the *State Register* on March 25, 2011. A prehearing package was submitted to the EPA on April 1, 2011. No request for a public hearing was received, and the public comment period closed on April 25, 2011. Written comments were received from the EPA and are addressed in the final SIP package.

Documents relating to this redesignation request and maintenance plan are available at the Department's website at: http://www.scdhec.gov/environment/baq/Metrolina-SC_Redesignation/

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE**

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication July 22, 2011, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Allendale County

Establishment of a home health agency restricted to serve Allendale County
Tri-County Home Health Care & Services, Inc.
Allendale, South Carolina
Project Cost: \$46,000

6 NOTICES

Affecting Anderson County

Replacement of an existing linear accelerator with a unit that has stereotatic radiosurgery capabilities
AnMed Health Women's and Children's Hospital
Anderson, South Carolina
Project Cost: \$7,790,515

Affecting Beaufort County

Development of a ten (10) bed rehabilitation hospital
PACE Healthcare Commons
Bluffton, South Carolina
Project Cost: \$3,755,967

Affecting Edgefield County

Establishment of a home health agency restricted to serve Edgefield County
Tri-County Home Health Care & Services, Inc.
Edgefield, South Carolina
Project Cost: \$56,000

Affecting Georgetown County

Relocation of GI, x-ray, pain management, physical therapy and wound care services and addition of a 3.0T MRI to a medical office building located on the hospital campus
Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$14,540,430

Affecting Greenville County

Addition of one (1) community nursing home bed, left over as a result of the consolidation of Dayspring Health & Rehab of Simpsonville and Omega Health & Rehab of Greenville, for a total of one hundred thirty-three (133) community nursing home beds
Alpha Health and Rehab of Greer, LLC
Greer, South Carolina
Project Cost: \$14,186

Construction of a 120-bed replacement facility to be located in Greenville, South Carolina, which will consolidate the existing forty-two (42) beds at Dayspring Health & Rehab, LLC and the existing seventy-eight (78) beds at Omega Health & Rehab of Greenville, LLC
Dayspring Health & Rehab of Simpsonville, LLC d/b/a Dayspring Health & Rehab of Greenville
Greenville, South Carolina
Project Cost: \$12,001,786

Development of a freestanding radiation therapy center with a linear accelerator to be located on the Millennium Campus at Laurens Road and Innovation Way
St. Francis Millennium Cancer Center
Greenville, South Carolina
Project Cost: \$11,925,247

Affecting Lexington County

Construction for the addition of fifty (50) nursing home beds that will not participate in the Medicaid (Title XIX) Program
 NHC Healthcare/Lexington
 Lexington, South Carolina
 Project Cost: \$6,679,000

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from July 22, 2011. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Anderson County

Addition of ten (10) comprehensive rehabilitation beds for a total of fifty-five (55) comprehensive rehabilitation beds
 AnMed Enterprises, Inc./HealthSouth, LLC d/b/a AnMed Health and Rehabilitation Hospital
 Anderson, South Carolina
 Project Cost: \$160,000

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Anderson County to children eighteen (18) years of age and younger
 HomeChoice Partners, Inc.
 Duncan, South Carolina
 Project Cost: \$2,280

Affecting Beaufort County

Development of a thirty-two (32) bed long term acute care hospital (LTACH)
 PACE Healthcare Commons, LLC
 Bluffton, South Carolina
 Project Cost: \$14,312,910

Affecting Charleston County

Addition of three (3) comprehensive rehabilitation beds for a total of forty-nine (49) comprehensive rehabilitation beds
 HealthSouth Rehabilitation Hospital of Charleston
 Charleston, South Carolina
 Project Cost: \$600,000

Affecting Cherokee County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Cherokee County to children eighteen (18) years of age and younger
 HomeChoice Partners, Inc.
 Duncan, South Carolina
 Project Cost: \$2,280

8 NOTICES

Affecting Georgetown County

Construction for the relocation and replacement of an existing linear accelerator from the existing location of Carolina Regional Cancer Center in Myrtle Beach to a new cancer treatment center to be constructed in Murrells Inlet

Carolina Regional Cancer Center, LLC – Murrells Inlet

Murrells Inlet, South Carolina

Project Cost: \$7,993,972.08

Affecting Greenville County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Greenville County to children eighteen (18) years of age and younger

HomeChoice Partners, Inc.

Duncan, South Carolina

Project Cost: \$2,280

Affecting Horry County

Establishment of a fourteen (14) bed inpatient hospice house

Mercy Care Hospice House

Myrtle Beach, South Carolina

Project Cost: \$5,975,000

Affecting Laurens County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Laurens County to children eighteen (18) years of age and younger

HomeChoice Partners, Inc.

Duncan, South Carolina

Project Cost: \$2,280

Affecting Spartanburg County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Spartanburg County to children eighteen (18) years of age and younger

HomeChoice Partners, Inc.

Duncan, South Carolina

Project Cost: \$2,280

Affecting Union County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Union County to children eighteen (18) years of age and younger

HomeChoice Partners, Inc.

Duncan, South Carolina

Project Cost: \$2,280

Affecting Oconee County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Oconee County to children eighteen (18) years of age and younger
HomeChoice Partners, Inc.
Duncan, South Carolina
Project Cost: \$2,280

Affecting Pickens County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in Pickens County to children eighteen (18) years of age and younger
HomeChoice Partners, Inc.
Duncan, South Carolina
Project Cost: \$2,280

Affecting York County

Establishment of a Home Health Agency restricted to the provision of pediatric home health services in York County to children eighteen (18) years of age and younger
HomeChoice Partners, Inc.
Duncan, South Carolina
Project Cost: \$2,280

Addition of four (4) comprehensive rehabilitation beds for a total of fifty (50) comprehensive rehabilitation beds
Piedmont HealthSouth Rehabilitation, Inc. d/b/a HealthSouth Rehabilitation Hospital of Rock Hill
Rock Hill, South Carolina
Project Cost: \$150,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

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

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than August 22, 2011 to:

10 NOTICES

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

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

Class I

Tolleson Limited Company
Attn: Andrew R. Tolleson
136 Stonemark Lane, Ste 110
Columbia, SC 29210

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-300, Accreditation Criteria. Interested persons may submit their comments in writing to Steve Abbott, Director, Office of Federal and State Accountability, 1429 Senate Street, Room 502, Columbia, South Carolina 29201 or by e-mail to sabbott@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-300 governs the accreditation process for schools and districts in South Carolina. The proposed amendment is being made for two purposes: (1) to revise the current state accrediting process to allow the South Carolina Department of Education to exempt schools and districts that have successfully completed the Advance ED or other approved accreditation process from participation in the state accreditation process, and (2) to revise the current state accrediting process for the remaining schools and districts to include measures of Educator Quality, Student Achievement, Ongoing Planning for Improvement, School Safety, Finance, and other select S. C. State Board of Education Regulations and Statutes.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-43-10 et seq. (2004)

Notice of Drafting:

The State Board of Education proposes to amend regulation 43-237.1, Adult Education Program. Interested persons may submit comments to David B. Stout, Director of the Office of Adult Education, Division of Accountability, State Department of Education, 1429 Senate Street, Rutledge Building, Room 908, Columbia, South Carolina 29201 or by e-mail to dstout@ed.sc.gov. To be considered, comments must be received no later than 5:00 P.M., August 22, 2011, the close of the drafting period.

Synopsis:

The name of the responsible office has changed and needs to be corrected. Revisions to funding guidelines, length of school term, and the addition of the federal grant proposal title is needed.

Legislative review of this proposal will be required.

12 DRAFTING NOTICES

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-205.1, Assisting, Developing, and Evaluating Professional Teaching (ADEPT). Interested persons may submit their comments in writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and School Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or by e-mail to mbounds@leaders.ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-205.1 governs the professional standards, evaluation, and assistance and support processes for teacher candidates as well as for practicing teachers at all contract levels in South Carolina. Amendments to regulation 43-205.1 will refine and update the regulation so that the Board will continue to provide appropriate guidance for promoting and ensuring teacher effectiveness.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-53, Credential Classification. Interested persons may submit their comments in writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and School Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or by e-mail to mbounds@leaders.ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-53 governs the various types of educator certificates that are issued by the State Board of Education. Amendments to regulation 43-53 will refine and update the regulation so that the Board will continue to provide appropriately certified educators for South Carolina public schools.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-5-65 (2004), 59-18-300 (Supp. 2010), 59-18-310(B) (Supp. 2010) and 59-18-320(C) (Supp. 2010)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-262.4, End-of-Course Tests. Interested persons may submit their comments in writing to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, 603-G Rutledge Building, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-262.4, End-of-Course Tests. This regulation identifies the courses that must include an end-of-course test. Proposed amendments to the regulation align with previous regulations passed by the State Board of Education to replace Physical Science with Biology as the end-of-course science test.

Amendments also provide clarification for when a student takes two courses based on the same content standards. The student must take the end-of-course test for the first course and the test score must count as 20 percent of the final grade. For the second course the student would not be tested.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-29-170 (2004)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-220, Gifted and Talented. Interested persons may submit their comments in writing to Rick Blanchard, Office of Accreditation, Division of Federal and State Accountability, 1429 Senate Street, Room 501-D, Columbia, South Carolina 29201 or by e-mail to rblancha@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-220, Gifted and Talented, establishes the criteria for student eligibility in gifted and talented programs and sets forth the program service and curriculum requirements. Academic and artistic gifted programs are addressed in this regulation. The provisions of this regulation include, but are not limited to, program, identification of population to be served, staff, reporting, funding, and expenditures and accounting procedures. With the development of a new state assessment (Palmetto Assessment of State Standards), the increase in public school choices (charters, single gender, etc.), and other common issues for districts, the regulation revision will resolve some of these challenges.

Legislative review of this proposal will be required.

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STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004), 59-29-100 (2004), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The State Board of Education proposes to amend regulation 43-259, Graduation Requirements. Interested persons may submit comments to David B. Stout, Director of the Office of Adult Education, Division of Accountability, State Department of Education, 1429 Senate Street, Rutledge Building, Room 908, Columbia, South Carolina 29201 or by e-mail to dstout@ed.sc.gov. To be considered, comments must be received no later than 5:00 P.M., August 22, 2011, the close of the drafting period.

Synopsis:

The name of the responsible office has changed and needs to be corrected. Revisions to General Educational Development (GED) testing guidelines, inclusion of virtual school guidelines, and critical needs guidelines needs to be addressed. Regulation 43-259, Graduation Requirements I.A.8., establishes that every student must take one unit of physical science prior to taking the exit exam that is given the second spring after initial enrollment in the ninth grade. This requirement is no longer necessary and needs to be removed from the regulation. Students must pass a high school end-of-course exam in biology.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-62, Requirements for Additional Areas of Certification. Interested persons may submit their comments in writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and School Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or by e-mail to mbounds@leaders.ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-62 governs the certification requirements for educators in South Carolina. Amendments to regulation 43-62 will refine and update the regulation so that the Board will continue to provide appropriately certified educators for South Carolina public schools.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004), 59-26-10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend regulation 43-64, Requirements for Certification at the Advanced Level. Interested persons may submit their comments in writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and School Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or by e-mail to mbounds@leaders.ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 22, 2011.

Synopsis:

Regulation 43-64 governs the certification requirements for educators in South Carolina. Amendments to regulation 43-64 will refine and update the regulation so that the Board will continue to provide appropriately certified educators for South Carolina public schools.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

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

Notice of Drafting:

The South Carolina Board of Education proposes to amend the regulation 43-243, Special Education, Education of Students with Disabilities. Interested persons may submit written comments to Marlene Metts, Director, Office of Exceptional Children, 1429 Senate Street, Suite 808, Columbia, SC 29201 or by e-mail to mametts@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. August 22, 2011, the close of the drafting comment period.

Synopsis:

The Board is proposing to amend Regulation 43-243 to reflect changes in current special education practices including the change of the date of the annual child count of students with disabilities.

Legislative review of this amendment is not required.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 40-33-30 (2011), 44-1-140 (2002), 44-37-40 (2002), 44-37-50 (Supp. 2010), and 44-89-10 et seq. (2002)

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-24, Licensed Midwives. This Notice replaces and supersedes the Notice of Drafting to amend R.61-24 that was published in the State Register on May 27, 2011. Written comments received from the April and May notices will be considered in addition to comments received from this July 22, 2011, noticing. Interested persons may submit written comments to Gwen Thompson, Acting Director, Division of Health Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., August 22, 2011, the close of the drafting comment period.

Synopsis:

The Department proposes to amend the regulation to include, but not limited to, utilization of certification credentials from a nationally recognized credentialing organization approved by the Department to satisfy certain requirements for licensing, to allow for reciprocity of currently credentialed midwives, and to revise classifications of violations. The Department seeks to address the requirements for licensure, educational requirements, revocation criteria, the provision of intrapartum care, and record keeping and reporting. Previous Caesarean section will be added to prohibitions in the practice of midwifery. A requirement to offer communicable disease screening to the mother will be added to prenatal care. Requirements to instruct the parent(s) on the importance of hearing screens for the infant and resources to assist them to have the screen performed, and a requirement to make a shaken baby and cardiopulmonary resuscitation video available to the parent(s) will be added to care of the newborn. The Department intends to add language to incorporate provider wide exceptions for tuberculosis screening and reportable accidents/incidents. The Department will also include stylistic changes, which may include corrections for: clarity and readability; grammar; punctuation; definitions; references; and overall improvement of the text of the regulation.

Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-30, 44-1-60, 44-55-10 et seq., 44-55-100(4), 44-56-10 et seq., 44-56-30, and 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control initially proposed to promulgate Regulation 61-81, State Environmental Laboratory Certification, by publication of a Notice of Drafting in the State Register on August 27, 2010. The Department is reinitiating this process to promulgate this regulation by publication of this second Notice of Drafting in the State Register on July 22, 2011. Interested persons are invited to present their views and recommendations in writing to Ms. Carol F. Smith, Office of Environmental Laboratory Certification, 2600 Bull St, Columbia SC 29201. To be considered, written comments must be received by 5:00 p.m. on August 23, 2011, the close of the drafting comment period. Written comments received by the Department from the initial noticing of August 27, 2010, will be considered, as well as any additional written comments that may be received from this second noticing of July 22, 2011.

Synopsis:

Regulation 61-81 provides the mechanism to assure the validity and quality of the data being generated for compliance with State regulations. This regulation applies to any laboratory performing analyses to determine the quality of air, drinking water, hazardous waste, solid waste, or wastewater; performing bioassays; or performing any other analyses related to environmental quality evaluations required by the Department or which will be officially submitted to the Department.

This regulation has not been amended since its effective date of January 1, 1981. The Department is proposing to rewrite this regulation to bring it up-to-date with current laboratory certification practices and standards as well as incorporate other changes and/or additions necessary to assure the validity and quality of data being generated for compliance with State and Federal regulations. It will also be updated to reflect current language and references related to laboratory certification, laboratory practices and standards. Other changes may be made to improve the overall quality of the regulation. The regulation will be rewritten in its entirety.

Additionally, the Department proposes to amend the appeals section of R.61-81 to comply with statutory changes in the Administrative Appeals Process.

Legislative review is required.

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

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

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) issued a Notice of Drafting published in the April 22, 2011 State Register, which proposed to amend specific sections of R.61-68, Water Classifications and Standards and R.61-69, Classified Waters. This notice is to clarify an issue contained in that notice of drafting. Interested persons are invited to submit their comments regarding this clarification in writing to Gina Kirkland, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via email at kirklagl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 22, 2011, the close of the comment period.

Synopsis:

In the April notice of drafting, the Department proposed to replace the fecal coliform bacteriological indicator used for the protection of recreational uses in freshwaters with *E. coli*. The Department then included the statement that the Freshwaters (FW) classification may be revised to include subclasses of recreational uses based on the frequency of use. The Department now wishes to clarify that we intended that all freshwater classifications, including all types of Trout waters, Outstanding Resource Waters, and Outstanding National Resource Waters may also need to be revised to include subclasses of recreational uses based on the frequency of use. As noted in the April notice of drafting, all subclasses will continue to support recreational uses for both primary and secondary contact in all of the freshwater classifications.

Legislative review will be required.

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Document No. 4192

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-69. Classified Waters

Preamble:

The South Carolina Department of Health and Environmental Control (Department or DHEC) proposes amendment of R.61-69 to reclassify Reedy Cove Creek, its headwaters, and Lake Chillywater to Outstanding Resource Waters (ORWs). These waters are located within the boundary of the Jocassee Gorges and are known for their exceptional beauty and unique characteristics, such as Twin Falls. Lake Chillywater is a destination area for campers and hikers and those that love to recreate both in and on the waters and enjoy the facilities at Camp McCall. Reedy Cove Creek, its headwaters, and Lake Chillywater support many recreational uses, including fishing, boating, canoeing, as well as provides special habitat for sensitive species of both flora and fauna and for these reasons should be reclassified to ORWs of the State.

The Notice of Drafting for this proposed amendment was published in the State Register on March 25, 2011. Comments were received and used in the drafting of the proposed regulation.

Discussion of Proposed Changes

Amend the language contained in R.61-69 to reclassify Reedy Cove Creek, its headwaters, and Lake Chillywater to Outstanding Resource Waters in order to protect and maintain these exceptional water resources.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held on August 22, 2011, at 1:00 p.m. in Peeples Auditorium, third floor of the Sims Building, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendment to R.61-69, Classified Waters. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Gina Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4140; or by email at kirklagl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 22, 2011, the close of the comment period.

Copies of the Notice of Proposed Regulation and text of the regulation for public notice and comment may be obtained by contacting Gina Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-4330; or by emailing kirklagl@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its monthly DHEC Regulation Development Update and also on the Bureau of Water's Water Quality Standards Webpage under Reedy CoveCreek/LakeChillywaterReclassat http://www.scdhec.gov/environment/water/wq_reedyCoveCrk.htm.

Comments received at the forum and/or submitted in writing by the close of the comment period as noticed above shall be considered by staff in formulating the final text of the proposed regulations and shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comment on the proposed amendments to R.61-69, Classified Waters at a public hearing to be conducted by the Board of the Department of Health and Environmental Control at its regularly scheduled meeting on September 8, 2011. The public hearing will be held in the Board Room of the Commissioner's Suite (Room 3420), third floor, Aycock Building, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendment of R.61-69, Classified Waters.

Purpose: Proposed amendment of R.61-69 will reclassify Reedy Cove Creek, its headwaters, and Lake Chillywater located within Pickens County to Outstanding Resource Waters (ORWs) of the State.

Legal Authority: S.C. Code Sections 48-1-40, 48-1-60, and 48-1-80, implementing the Clean Water Act (CWA).

Plan for Implementation: The proposed amendment would be incorporated within R.61-69 upon approval of the Board of Health and Environmental Control, the General Assembly, and publication in the State Register. The proposed amendment will be implemented in the same manner in which the present regulation is implemented.

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

Reedy Cove Creek, its headwaters, and Lake Chillywater are unique waters to the upstate of South Carolina. Much of this pristine waterbody is located within the boundary of the Jocassee Gorges. Along this flowing stream, there are waterfalls providing a scenic view to those that make the trek to the area. Lake Chillywater is home to Camp McCall, which is a destination for many of the State's residents and tourists who come to recreate in and on the lake and camp and hike along the many trails enjoying the beautiful countryside. Further

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along, Reedy Cove Creek continues and eventually flows into Eastatooe Creek, portions of which are already ORW or Trout- Put, Grow, and Take waters (TPGT), and recreational fisherman visit the area each year for the opportunities these unique waters provide. The maintenance of the existing water quality of these waters and its future protection are essential and these reclassifications to ORW are appropriate to achieve that goal.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement this amendment to the regulation. No additional cost will be incurred by the State if the revisions are implemented and, therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment, the Department evaluated situations in which costs would most likely be incurred by the regulated community. Since no existing point source discharges are currently located within the area of the proposed reclassifications, the Department does not foresee any significant effect to any dischargers. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing water quality standards would ensure protection of the downstream uses.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of this amendment will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendment will promote and protect a significant water resource of the State and ensure its protection for future generations by restricting any future point source discharges in the waters reclassified to ORW, thereby ensuring the maintenance of the existing water quality that now provides for the exceptional recreational and environmental resources.

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

Failure by the Department to reclassify these waters could ultimately lead to future additional anthropogenic sources of pollution within these waters and a general degrading of the current water quality conditions. It is anticipated that the additional layers of protection provided by the new classifications will prevent discharges and any potential adverse contamination of these waters of the State.

Statement of Rationale:

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

The waters included in this proposed reclassification provide and sustain an exceptional recreational and ecological resource of the State. In accordance with the goals of the CWA and the South Carolina Pollution Control Act (PCA), it is incumbent upon the State to protect its valuable water resources for current and future generations. The Department has the duty to find and preserve the State's exceptional water resources and this amendment will ensure that these waters are protected and maintained.

Text:

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

Document No. 4191
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

Preamble:

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

- (A) Game Zone 1 – adds 1 week still gun hunts for deer and establishes special hog hunts with dogs.
- (B) Game Zone 2 – establishes special hog hunts with dogs
- (G) Francis Marion National Forest – allows harvest of hogs during any scheduled hunts. Establishes a special March still hunt for hogs in all units of the Francis Marion NF.
- (H) Moultrie WMA – clarifies shotguns only for small game hunting.
- (J) Webb WMA – requires self-service check-in for all hunters including all small game hunters. Currently required only for deer, hog, turkey and quail hunters. Moves the 1st spring still hog hunt to 3 weeks earlier.
- (N) Bear Island WMA - allows harvest of hogs during any scheduled hunts. Adds draw alligator hunts. Addresses the conflict with the Federal youth duck hunt day and small game season.
- (R) Santee Coastal Reserve WMA - allows harvest of hogs during any scheduled hunts. Adds draw alligator hunts.
- (T) Woodbury WMA – adds 5 weeks special hog hunts with dogs.
- (U) Manchester State Forest WMA – adds 2 additional deer hunts days in October and November, adds 1 full week in November and adds 4 weeks deer hunting in December.
- (V) Sand Hills State Forest WMA – establishes a special 3-week coyote hunt.
- (W) Marsh WMA - adds 5 weeks special hog hunts with dogs.
- (X) Hamilton Ridge WMA - requires self-service check-in for all hunters including all small game hunters. Currently required only for deer, hog, turkey and quail hunters. Eliminates the 6-day muzzleloader deer hunt in November but retains archery hunt. Moves the 1st spring still hog hunt to 3 weeks earlier.
- (Z) Donnelley WMA – allows harvest of hogs during any scheduled hunts. Increases raccoon and small game seasons. Increases the raccoon limit to Game Zone 6 limit.
- (AA) Little Pee Dee River Complex WMA - allows harvest of hogs during any scheduled hunts. Adds 88 days to the raccoon season.
- (DD) Palachucola WMA - requires self-service check-in for all hunters including all small game hunters. Currently required only for deer, hog, turkey and quail hunters. Eliminates the 3-day muzzleloader deer hunt in December but retains the archery hunt. Moves the 1st spring still hog hunt to 3 weeks earlier.
- (FF) Waccamaw River Heritage Preserve WMA – adds still hog hunts, moves hog hunts with dogs after the still hog hunts.
- (II) Cartwheel Bay WMA - allows harvest of hogs during any scheduled hunts.
- (LL) Sandy Island WMA – eliminates WMA due to property transfer from DOT to TNC.
- (NN) Dungannon WMA – adds hogs, no limit to all hunts.
- (QQ) Oak Lea WMA – establishes a one week archery/muzzleloader deer hunt.
- (SS) Edisto River WMA - allows harvest of hogs during any scheduled hunts. Extends the deer still gun hunt season 5 weeks.
- (UU) Wee Tee WMA - adds 5 weeks special hog hunts with dogs.
- (VV) Bonneau Ferry WMA – deletes the hog hunt with dogs.
- (YY) Botany Bay Plantation WMA – increases the raccoon season 2 weeks.
- 2.14 – allows hunting of armadillo and coyotes during open seasons for game.

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5.3 – allows use of dogs to hunt coyotes during daylight hours.

5.6 – defines when hogs can be hunted with dogs on WMA.

7.1 – adds geese and other migratory game birds including crows to exemption from wearing international orange while hunting those species.

10.14 – allows waterfowl hunting on the Francis Marion anytime during the regular waterfowl season.

10.15 – Deletes Santee Cooper as a Category I waterfowl area.

10.16 – Adds Santee Cooper as a Category II waterfowl area.

A Notice of Drafting was published in the *State Register* on May 27, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Friday, September 16, 2011 at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to Breck Carmichael, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than August 22, 2011.

Preliminary Fiscal Impact Statement:

This amendment of Regulations 123-40 and 123-51 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40, 123-51 and 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

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

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

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

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

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulations 123-40 and 123-51 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.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

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