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SOUTH CAROLINA STATE REGISTER

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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.

2010 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

REPRODUCING OFFICIAL DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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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
4126			South Carolina Pesticide Control	5/11/11	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
4126	South Carolina Pesticide Control		

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 November 26, 2010, 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 Charleston County

Development of a fifty-nine (59) bed replacement facility in the former East Cooper Regional Medical Center location at 1200 Johnnie Dodds Boulevard, Mount Pleasant, SC by renovating the former East Cooper facility and relocating the existing Kindred facility; there will be no change in bed complement or medical services
Kindred Hospital Charleston
Mount Pleasant, South Carolina
Project Cost: \$29,944,000

Addition of a thirty-five (35) bed skilled nursing unit to be co-located at the replacement facility in the former East Cooper Regional Medical Center location at 1200 Johnnie Dodds Boulevard, Mount Pleasant, SC
Kindred Hospital Charleston Subacute Unit
Mount Pleasant, South Carolina
Project Cost: \$3,250,000

Affecting Dorchester County

Construction and renovation of existing space for a three-story patient tower that will be connected to the existing hospital on each level to accommodate the addition of thirty (30) acute care beds for a total of one hundred twenty four (124) acute care beds
Summerville Medical Center
Summerville, South Carolina
Project Cost: \$26,961,556

Affecting Greenville County

Construction and renovation of existing and new space for the expansion of the Surgery Department located on the first floor with the addition of two (2) operating rooms; new construction on the ground floor for future support services area, extension of existing ground floor corridor, partial electrical room extension and an extension to the existing utility tunnel
Bon Secours St. Francis Health System-Downtown
Greenville, South Carolina
Project Cost: \$3,987,219

Affecting Lexington County

Renovation for the addition of two (2) operating rooms for a total of four (4) operating rooms
Moore Orthopaedic Clinic Outpatient Surgery Center
Lexington, South Carolina
Project Cost: \$384,641

4 NOTICES

Affecting Richland County

Establishment of an inpatient hospice facility with twelve (12) beds
Carolinas Community Hospice, Inc. d/b/a/ Agape Hospice House of the Midlands
Columbia, South Carolina
Project Cost: \$2,000,000

Renovation of existing space for the replacement of an open 0.2T Magnetic Resonance Imaging (MRI) unit with a fixed 1.5T MRI
Palmetto Imaging, Inc.
Columbia, South Carolina
Project Cost: \$2,322,335

Affecting Spartanburg County

Construction of a free standing inpatient rehabilitation facility with twenty-eight (28) rehabilitation beds and twelve (12) nursing care beds which will not participate in the Medicaid (Title XIX) program for a total of forty (40) beds
Spartanburg Rehabilitation Institute
Spartanburg, South Carolina
Project Cost: \$18,375,185

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 November 26, 2010. "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 Charleston County

Renovation and expansion of the existing cardiac rehabilitation center located on the first floor of Roper Hospital
Roper Hospital
Charleston, South Carolina
Project Cost: \$4,224,744

Affecting Florence County

Renovation of existing space for the addition of a dedicated electrophysiology lab
Carolinas Hospital System
Florence, South Carolina
Project Cost: \$4,241,050

Affecting Horry County

Addition of thirty-five (35) community nursing home beds, which will not participate in the (Medicaid Title XIX) Program for a total of sixty-seven (67) community nursing home beds
Brightwater Skilled Nursing Center
Myrtle Beach, South Carolina
Project Cost: \$3,700,000

Affecting Jasper County

Conversion of ten (10) existing rehabilitation beds to ten (10) general acute care beds for a total bed complement of forty-one (41) general acute care beds
Coastal Carolina Medical Center, Inc. d/b/a Coastal Carolina Hospital
Hardeeville, South Carolina
Project Cost: \$100,000

Affecting Lexington County

Renovation of existing space for the replacement of an open 0.7T Magnetic Resonance Imaging (MRI) unit with a fixed 1.5T MRI unit to be located in the Radiology Department
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$1,748,250

Affecting Richland County

Addition of eighteen (18) nursing home beds for a total of one hundred eighty-nine (189) nursing home beds which will not change the allocation of Medicaid patient days at the facility
UniHealth Post-Acute Care Columbia
Columbia, South Carolina
Project Cost: \$0

Affecting Sumter County

Conversion of twenty-eight (28) of the existing forty-four (44) institutional beds to community nursing beds; the twenty-eight (28) beds will not participate in the Medicaid (Title XIX) Program
Covenant Place Nursing Center
Sumter, South Carolina
Project Cost: \$7,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

November 26, 2010

Notice:

Section 5 of the "Permit Extension Joint Resolution of 2010," H.4445, requires that the Department of Health and Environmental Control ("DHEC") list the types of development approvals that are provided for in that joint resolution. This notice supersedes the previous notices regarding H.4445, which were published in the State Register on June 25, 2010 and August 27, 2010.

Synopsis:

The Permit Extension Joint Resolution of 2010 (also named H.4445), ratified by the South Carolina General Assembly on May 13, 2010, and approved by the Governor on May 19, 2010, suspends the running of the time periods of the following DHEC development approvals that are current and valid at any point during the period beginning January 1, 2008 and ending December 31, 2012.

6 NOTICES

All development approvals are effective when issued, subject to applicable appeal procedures, and may be used at any time prior to the expiration of the time period as extended by the joint resolution. The joint resolution suspends the running of the time period for approvals during the five-year period from January 1, 2008, through December 31, 2012. For development approvals that were issued prior to January 1, 2008, the running of the time period is suspended during the five-year period, and any time that remained on a development approval on January 1, 2008, starts running again on January 1, 2013. For development approvals issued between January 1, 2008, and December 31, 2012, the time period begins to run on January 1, 2013.

If there are any questions concerning this notice, please contact Mr. Carl Richardson, P.E., Environmental Permit Liaison via electronic mail at richarcw@dhec.sc.gov or by phone at 803.896.8983. A copy of this legislation (also named H.4445) can be found electronically at http://www.scstatehouse.gov/cgi-bin/query.exe?first=DOC&querytext=h4445&category=Legislation&session=118&conid=5587055&result_pos=0&keyval=1184445.

Permit Regulation	Permit Type/Description
Solid Waste Management	
R.61-107.19	Class 1 Landfill, land clearing debris
R.61-107.19	Class 2 Landfill, construction and demolition debris
R.61-107.19	Class 3 Landfill, municipal solid waste
R.61-107.3	Waste Tire Facility (collection, processing, disposal)
R.61-107.279	Used Oil Facility (collection, processing, marketing, burning)
R.61-107.15	Land Application
R.61-107.6	Solid Waste Transfer Station
R.61-107.10	Research, Development, & Demonstration
R.61-107.6	Solid Waste Processing Facility
R.61-107.18	Off-Site Treatment of Contaminated Soils
R.61-107.19	Structural Fill
R.61-107.11	Composting/Woodgrinding Facility
R.61-107.12	Incinerator/Pyrolysis Facility
R.61-79	Hazardous Waste Permits
R.61-63	Radioactive Waste Licenses
Mining	
R.89-10 through 89-350	Individual Mine Permit (>5 acres)
R.89-10 through 89-350	General Mine Permit (<5 acres)
Air Quality	
R.61-62.1.II.A	Construction Permits Exceptions, this extension does not apply to: 1-Construction permits issued under R. 61-62.5 Standard No. 7 Prevention of Significant Deterioration; 2- Construction permits issued under R. 61-62.43 Maximum Achievable Control Technology (MACT) Determinations for Constructed and Reconstructed Major Sources; 3- Facilities with non-PSD construction permits that have not begun construction prior to July 01, 2011 and whose potential project emissions, without enforceable permit limitations, for the Environmental Protection Agency's defined

Permit Regulation	Permit Type/Description
	Greenhouse Gas emissions are at or above 75,000 or 100,000 tons per year
R.61-62.1.II.D	General Construction Permits
R.61-62.1.II.E.	Synthetic Minor Construction Permits
R.61-62.1.II.I.	Registration Permits
Water	
R.61-58	Drinking Water Construction Permits
R.61-67	Wastewater Construction Permits
R.61-51	Recreational Waters Construction Permits
R.61-9	NPDES General Permit For Stormwater Discharges From Large and Small Construction Activities (General permit coverage: SCR100000) Note: New standards imposed by federal regulations and the federal NPDES construction general permit for stormwater discharges must still be met by project operators as they become effective.
R.61-43	Construction of Agricultural Animal Facilities
R.61-101	401 Water Quality Certifications
R.19-450	Permits for Construction in Navigable Waters
R.61-87	Underground Injection Control Permit to Construct
R.61-113	Groundwater Withdrawal Permit to Construct
R.72-300	State Stormwater Construction Permits
Ocean & Coastal Resource Management (OCRM)	
R.30	Direct Critical Area Permits, including individual and general permits. Exception: The legislation excluded permits issued under R.30-12.N Access to Coastal Islands
Environmental Health	
R.61-56	Permit to Construct and Operate: Onsite Wastewater System (Septic Tank Permits)

8 DRAFTING NOTICES

**CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is contemplating amending Regulation 27-78, a quarantine imposed for *Phytophthora ramorum*, to follow a new federal order requiring pre-notification of shipments by shippers of certain nursery material from quarantined or regulated areas affected by *Phytophthora ramorum*.

Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered, comments must be received no later than 5:00 P.M. December 30, 2010, the close of the drafting comment period.

Synopsis:

The proposed amendment would result in conformity with the new federal order related to controlling and regulating the plant pathogen, *Phytophthora ramorum*, manifests itself in a disease known as Sudden Oak Death or as ramorum blight. The proposed amendment would adopt these new USDA pre-registration notice requirements for states receiving plant materials from states where the disease is already present.

This regulation will not require legislative action.

**CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27**

Statutory Authority: 1976 Code Section 46-13-60

Notice of Drafting:

The State Crop Pest Commission is contemplating amending Regulations 27-1070 through 27-1079, recertification of pesticide applicators. Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered, comments must be received no later than 5:00 P.M., December 30, 2010, the close of the drafting comment period.

Synopsis:

The proposed regulations would: establish an inactive license designation, establish a new soil fumigant category, increase the amount of continuing education for structural pesticide applicators, and require that not more than half of the category specific training for all pesticide applicators occur within the last year of the five year recertification block.

Legislative review of these amendments will be required.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-130

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to draft an amendment to Regulation 47-1, Cash Value of Certain Remunerations, to further define the definition of payment for services. Interested persons may submit comments to Dr. Erica Von Nessen, Special Assistant to the Executive Director, South Carolina Department of Employment and Workforce, Post Office Box 995, 1550 Gadsden Street, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00p.m. on December 3, 2010, the close of the drafting period.

Synopsis:

Since it has been a number of years since the South Carolina Department of Employment and Workforce regulations have been updated, the Department proposes to generally update its regulations to reflect current law and policies.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47

Statutory Authority: 1976 Code Sections 41-29-130 and 41-31-310

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to draft amendments to regulations 47-15, 47-16, 47-17, 47-19, 47-21, 47-23, 47-28, 47-36, 47-39, and 47-41. The Department proposes to repeal 47-46 and 47-47. Also, new regulations will be proposed to address legislative changes enacted by the General Assembly during the 2010 legislative session.

Interested persons may submit comments to Dr. Erica Von Nessen, Special Assistant to the Executive Director, South Carolina Department of Employment and Workforce, Post Office Box 995, 1550 Gadsden Street, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00p.m. on December 3, 2010, the close of the drafting period.

Synopsis:

During the 2010 legislative session, the General Assembly amended the South Carolina Department of Employment and Workforce Law with significant changes to the administration, benefit payment criteria, and unemployment tax system. New and amended regulations will reflect these legislative changes. Also, since it has been a number of years since the South Carolina Department of Employment and Workforce regulations have been updated, the Department also proposes to generally update the specified regulations to reflect current law and policies and to repeal regulations that have already been clearly defined in state or federal statutes.

10 DRAFTING NOTICES

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Sections 41-27-510, 41-29-130, 41-29-270, and 41-31-310

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to draft amendments to regulations 47-51 through 47-57 to insert references to the Department of Employment and Workforce and the Appellate Panel as appropriate.

Interested persons may submit comments to Dr. Erica Von Nessen, Special Assistant to the Executive Director, South Carolina Department of Employment and Workforce, Post Office Box 995, 1550 Gadsden Street, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00p.m. on December 3, 2010, the close of the drafting period.

Synopsis:

During the 2010 legislative session, the General Assembly amended the South Carolina Department of Employment and Workforce Law with significant changes to the administration, benefit payment criteria, and unemployment tax system. The amended regulations will reflect these legislative changes. Also, since it has been a number of years since the South Carolina Department of Employment and Workforce regulations have been updated, the Department also proposes to generally update the specified regulations to reflect current law and policies.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-165 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to promulgate a regulation to provide for an expedited process for permit application review. Interested persons may submit their views by writing to Mr. Carl W. Richardson, P.E., at 2600 Bull Street, Columbia, South Carolina, 29201. To be considered, written comments must be received no later than 5:00 p.m. on December 27, 2010, the close of the drafting comment period. Notices of Drafting pursuant to this proposed regulation were previously published in the *State Register* on May 23, 2008, and August 28, 2009. Comments previously received regarding this proposed regulation will be taken into consideration to the same extent as comments received pursuant to this notice of November 26, 2010.

Synopsis:

S.C. Code Ann. Section 44-1-165 established an Expedited Review Program within the Department of Health and Environmental Control (Department) to provide an expedited process for permit application review. Participation in this program is voluntary and the program must be supported by expedited review fees. The Department shall determine the project applications to review, and where determined appropriate by the Department, this process may be applied to any one or all of the permit programs administered by the Department.

The purpose of the proposed regulation is to implement the provisions required by statute. The regulation shall include, but is not limited to, definitions of “completeness” for applications submitted, consideration of joint federal-state permitting activities, standards for applications submitted that advance environmental protection, and expedited process application review fees.

This regulation will require legislative review.

PERPETUAL CARE CEMETERY BOARD

CHAPTER 21

Statutory Authority: 1976 Code Sections 40-8-10 et seq.

Notice of Drafting:

The South Carolina Perpetual Care Cemetery Board proposes to amend current regulations 21-1 through 21-60 and delete Regulation 21-61 through 21-64 to clarify and conform to the Perpetual Care Cemetery Practice Act. These regulations also are updated to reflect statutory amendments made to the South Carolina Perpetual Care Cemetery Act by 2002 Act 322. Interested persons may submit comments to Doris Cubitt, Administrator, Perpetual Care Cemetery Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Perpetual Care Cemetery Board proposes to amend current Regulations 21-1 through 21-64 to reflect amendments made to the South Carolina Perpetual Care Cemetery Act by 2002 Act 322.

12 PROPOSED REGULATIONS

Document No. 4156
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-24-40

43-165.1. Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)

Preamble:

The Division of Educator Quality and Leadership strives to stay abreast of current and future trends in evaluation and development of educator performance. The proposed changes to Regulation 43-165.1 reflect our desire to keep this regulation current and relevant.

Regulation 43-165.1 outlines the processes used for assisting, developing, and evaluating principals employed in South Carolina public schools. Due to changes in other South Carolina regulations governing principal preparation and certification, as well as federal programs affecting principal evaluation, the Office of School Leadership is proposing amendments to Regulation 43-165.1 (Program for Assisting, Developing, and Evaluating Principal Performance).

The Notice of Drafting was published in the *State Register* on July 23, 2010.

Section-by-Section Discussion

Section I. PURPOSE. Added to this section is an emphasis that districts are to consider evaluation results in making decisions regarding principal development, compensation, promotion, retention, and removal. This emphasis is part of current federal grants such as the State Fiscal Stabilization Fund, Race-to-the-Top grant, etc.

Section II. DEFINITIONS FOR THE PURPOSES OF THIS EVALUATION PROGRAM. In response to suggestions by a focus group (representing superintendents, human resources directors, principals, university education professors, SCDE staff), terminology has been clarified (e.g., “Interim” is now “Probationary”). Under Section II. D., an induction principal will continue to have an informal evaluation the first year; however, principals with two or more years of experience will be evaluated annually, instead of once every three years. This change is due to expectations of federal programs and grants.

Section III. PARTICIPATION. This section is renamed Program Implementation. Because of proposed regulations for an alternative certification of principals, there is a need to delineate between initial and professional certification for principals. As in other states, a tiered-certification serves this purpose. Due to higher expectations for teacher and principal effectiveness (in federal grants such as the State Fiscal Stabilization Fund, as well as Race-to-the-Top grants), annual evaluation of Tier 2 principals is proposed. However, in our discussions with school district personnel, superintendents and human resources directors again recommended that induction principals not enter the annual evaluation cycle until their second year (after the Principal Induction Program is completed). Section III.A.(3) was moved to Section VII.C.

Section IV. PERFORMANCE STANDARDS AND CRITERIA. This section is basically unchanged.

Section V. EVALUATION PROCESS. For clarity, a sentence was moved to this Section V. from the original regulation Section I. PURPOSE.

Section VI. DISTRICT RESPONSIBILITIES. Section VI.C. clarifies duties of the district PADEPP coordinator. As specified in current federal grants and programs, Section VI.F. stipulates that principal evaluations should influence school district decisions regarding principal development, compensation, promotion, retention, and removal.

Section VII. SOUTH CAROLINA DEPARTMENT OF EDUCATION RESPONSIBILITIES. Section VII.C. was moved from Section III.A.

Section VIII. TRAINING REQUIREMENTS. Section VIII.A. through C. were incorporated into Section VI. DISTRICT RESPONSIBILITIES. VIII.D. was incorporated into Section VII.

Section IX. PROGRAM IMPLEMENTATION AND ADMINISTRATION. This section was incorporated into either Section VI. DISTRICT RESPONSIBILITIES or into Section VII. SOUTH CAROLINA DEPARTMENT OF EDUCATION RESPONSIBILITIES.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on Friday, January 14, 2011, at 1:00 p.m. at the Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or e-mail mbounds@leaders.ed.sc.gov. Comments submitted by December 27, 2010, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-165.1, Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).

Purpose: Regulation 43-165.1, Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP), is being amended.

Legal Authority: S.C. Code Ann. § 59-5-60 (2004) and § 59-25-110 (2004).

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

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

The proposed changes to Regulation 43-165.1 reflect the desire to keep this regulation current and relevant. Regulation 43-165.1 outlines the processes used for assisting, developing, and evaluating principals employed in South Carolina public schools. Due to changes in other South Carolina regulations governing principal preparation and certification, as well as federal programs affecting principal evaluation, the Office of School Leadership is proposing amendments to Regulation 43-165.1 (Program for Assisting, Developing, and Evaluating Principal Performance).

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DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The Division of Educator Quality and Leadership strives to stay abreast of current and future trends in evaluation and development of educator performance.

Regulation 43-165.1 outlines the processes used for assisting, developing, and evaluating principals employed in South Carolina public schools. Due to changes in other South Carolina regulations governing principal preparation and certification, as well as federal programs affecting principal evaluation, the Office of School Leadership is proposing amendments to Regulation 43-165.1 (Program for Assisting, Developing, and Evaluating Principal Performance).

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. 4157

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

43-62. Requirements for Additional Areas of Certification

Preamble:

This regulation needs to be amended to create a new add-on certification in Early Childhood Special Education and revise add-on certification requirements for visual impairment. The Notice of Drafting was published in the *State Register* on July 23, 2010.

Section-by-Section Discussion

Section III Alpha listing of certification areas for Exceptional Children has been updated to accommodate addition of Early Childhood Special Education and renaming of Visual Impairment.

Section III(A) New requirements for Early Childhood Special Education have been included.

Section III(H) Title and add-on certification requirements for Visual Impairment have been updated.

Section III(H) has been moved to Section III(B).

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on Friday, January 14, 2011, at 1:00 p.m. at the Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or e-mail mbounds@leaders.ed.sc.gov. Comments submitted by December 27, 2010, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

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

Legal Authority: S.C. Code Ann. § 59-5-60 (2004) and § 59-25-110 (2004).

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

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

The amendments to this regulation are needed to create a new add-on certification in Early Childhood Special Education and revise current add-on requirements for Visual Impairment.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The amendments to this regulation are needed to create a new add-on certification in Early Childhood Special Education and revise current add-on requirements for Visual Impairment.

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. 4158

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-25-110 (2004)

43-64. Requirements for Certification at the Advanced Level

Preamble:

This regulation needs to be amended to provide an alternative pathway to the principal's certification. South Carolina currently provides an alternative pathway to a teaching certificate, as well as an alternative route to the superintendent's certification. National trends in federal programs and grants (such as the State Fiscal Stabilization Fund, Race to the Top, and the upcoming reauthorization of ESEA) also encourage states to support an alternative pathway to the principal's certification specifically for career changers. Because of adding the alternative route to the principalship, tiers of certification must be added to both the traditional and the alternative routes to delineate between initial and professional certification. In addition, Regulation 43-64 needs to be amended to add clarification regarding the alternative route for superintendents. The Notice of Drafting was published in the *State Register* on July 23, 2010.

Section-by-Section Discussion

Section I(A) Tiers of professional certification for an Elementary School Principal and Supervisor are added for the traditional route.

Section I(B) Tiers of professional certification for a Secondary School Principal and Supervisor are added for the traditional route.

Section I(C) The certification requirements for an Elementary or Secondary School Principal or Supervisor (Tier 1 Alternative Route for Career Changers) is proposed.

Section I(D) The requirements for District Superintendent certification will now be under I(D) to accommodate alpha listing.

Section I(E) Section D has been changed to Section E. Additional wording has been added for clarification.

Section I(F) Section E has been changed to Section F.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on Friday, January 14, 2011, at 1:00 p.m. at the Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, 3700 Forest Drive, Suite 300, Columbia, South Carolina 29204 or e-mail mbounds@leaders.ed.sc.gov. Comments submitted by December 27, 2010, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

Additional costs will be incurred to provide the training for the alternative principals' certification program.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-64, Requirements for Certification at the Advanced Level.

Purpose: Regulation 43-64, Requirements for Certification at the Advanced Level, is being amended.

Legal Authority: S.C. Code Ann. § 59-5-60 (2004) and § 59-25-110 (2004).

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

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

The amendments to this regulation are needed to provide an alternative pathway to the principal's certification. South Carolina currently provides an alternative pathway to a teaching certificate, as well as an alternative route to the superintendent's certification. National trends in federal programs and grants (such as the State Fiscal Stabilization Fund, Race to the Top, and the upcoming reauthorization of ESEA) also encourage states to support an alternative pathway to the principal's certification specifically for career changers. Because of adding the alternative route to the principalship, tiers of certification must be added to both the traditional and the alternative routes to delineate between initial and professional certification. In addition, Regulation 43-64 should be amended to add clarification regarding the alternative route for superintendents.

DETERMINATION OF COSTS AND BENEFITS:

The State of South Carolina has proposed in its Race-to-the Top Grant approximately \$165,000 per year for four years to establish and then train cohorts of alternatively certified principals. The benefits of this amended regulation would be to cultivate talented, experienced leaders who are currently in supervisory, upper-level management in a business, corporation, agency, or the military (with responsibilities similar to those of a principal) to enter school administration via the assistant principal's position.

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UNCERTAINTIES OF ESTIMATES:

If South Carolina is not chosen to receive the Race-to-the-Top grant monies, additional costs would be incurred by the state if the program is to proceed.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The amendments to this regulation are needed to provide an alternative pathway to the principal's certification. South Carolina currently provides an alternative pathway to a teaching certificate, as well as an alternative route to the superintendent's certification. National trends in federal programs and grants (such as the State Fiscal Stabilization Fund, Race to the Top, and the upcoming reauthorization of ESEA) also encourage states to support an alternative pathway to the principal's certification specifically for career changers. Because of adding the alternative route to the principalship, tiers of certification must be added to both the traditional and the alternative routes to delineate between initial and professional certification. In addition, Regulation 43-64 needs to be amended to add clarification regarding the alternative route for superintendents.

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. 4162

ENVIRONMENTAL CERTIFICATION BOARD

CHAPTER 51

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40-23-305

51-1. Applications for Certification

51-4. Renewal of License and Permit, Continuing Education

51-5. Operator-in-Training Licenses

Preamble:

The Environmental Certification Board is proposing to promulgate regulations to implement 2008 Act 223 and to reflect other developments in environmental regulation since 2005.

Section-by-Section Discussion

The following is a section-by-section discussion of the amendments proposed by the Environmental Certification Board:

51-1. Applications for Certification.

Deletes "or CPO/Spa".

51-2. through 51-3.
Remains the same.

51-4. Renewal of License and Permit, Continuing Education.

A. Adds biennial renewal on or before June 30; deletes September 30; adds 365 day period for licenses not renewed to be considered lapsed.

B. Deletes September 30 and adds June 30.

C. No substantive change.

D. Deletes section; Reserved.

E. No substantive change.

F. Adds sentence regarding continuing education credit in accordance with guidelines approved by the Board.

51-5. Operator-in-Training Licenses.

Deletes "Permits" and adds "Licenses" in the section title and throughout.

51-6 through 51-7

Remains the same.

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 before the Board at 1:00 p.m. on January 5, 2011. Written comments may be directed to Lenora Addison-Miles, Administrator, Environmental Certification Board, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 27, 2010. If a qualifying request pursuant to Section 1-23-110(b) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Environmental Certification Board proposes to promulgate amended regulations which address license renewal, and continuing education.

DESCRIPTION OF REGULATION:

Purpose: To amend the regulations for continuing education and licensure.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40-23-305.

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the public through written and oral communications, and posting all changes on its website.

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

These regulations need to be amended in order to implement 2008 Act 223 and to reflect other developments in environmental regulation since 2005.

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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 direct effect on the environment. The public health and the business environment of this State will be enhanced by conforming the regulations to the statute.

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

There will be no direct detrimental effect on the environment and public health of this State if the regulations are not implemented in this State. The conflicts between statute and regulation may have a detrimental effect on the business environment.

Statement of Rationale:

The regulations are amended to conform to 2008 Act 223.

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. 4160

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

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

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

61-62. Air Pollution Control Regulations and Standards

Preamble:

On November 29, 2005, the United States Environmental Protection Agency (EPA) issued a final rule in the Federal Register entitled Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard [70 FR 71612], also known as the "Phase 2 Ozone Rule," which finalized regulations to implement the 8-hour ground-level ozone National Ambient Air Quality Standard that the EPA established in July 1997. The Department has implemented all required elements of this rule but the EPA has identified that the language within a footnote to the South Carolina Prevention of Significant Deterioration (PSD) regulations listing nitrogen oxides (NO_x) as a precursor to ozone does not mirror the federal language. As such, the EPA has requested that the Department clarify this issue by adopting the federal language verbatim.

On April 25, 2008, the Department published a Notice of Drafting in the State Register to initiate revisions to Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), and the SIP, in order to comply with a final rule entitled

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Removal of Vacated Elements [72 FR 32526], published in the Federal Register on June 13, 2007.

On May 16, 2008, the EPA published a final rule in the Federal Register entitled Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}) [73 FR 28321], also known as the “NSR PM_{2.5} Implementation Rule,” which finalized regulations to implement the NSR program for fine particulate matter (that is, particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, generally referred to as “PM_{2.5}”). The NSR PM_{2.5} Implementation Rule became effective July 15, 2008, and required states with SIP-approved PSD programs, of which South Carolina is one, to submit revised PSD programs within a 3 year transition period following the date of its publication, or by May 16, 2011. The NSR PM_{2.5} Implementation Rule included a major source threshold, significant emissions rates for direct PM_{2.5} and its presumed precursors, sulfur dioxide (SO₂) and NO_x, offset ratios for PM_{2.5}, and interpollutant trading for offsets and applicability of NSR to PM_{2.5} precursors. The NSR PM_{2.5} Implementation Rule also continued the EPA’s policy of allowing SIP-approved states to use PM₁₀ (that is, particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) as a surrogate for PM_{2.5} in meeting the NSR requirements of the Clean Air Act until the end of the 3 year transition period (“EPA PM₁₀ Surrogate Policy”).

On September 26, 2008, the Department published a second Notice of Drafting in the State Register for the revisions to R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR) and the SIP. This second notice incorporated, among other things, the NSR PM_{2.5} Implementation Rule.

On April 24, 2009, the Department published a Notice of Final Regulation in the State Register to complete the regulation development process initiated by the aforementioned Notices, except for the revisions required to incorporate the NSR PM_{2.5} Implementation Rule. The Department elected to delay these revisions for the NSR PM_{2.5} Implementation Rule, pending further guidance from the EPA, which the EPA plans to release in summer 2010.

The Department proposes to amend R.61-62.5, Standard No. 7, Prevention of Significant Deterioration, R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR) and the SIP to incorporate the provisions of the Phase 2 Ozone Rule and the NSR PM_{2.5} Implementation Rule, and to add a nonsubstantive clarification to correct a scrivener’s error.

A Notice of Drafting was published in the State Register, on the Bureau of Air Quality Regulation and SIP Management website, and in the DHEC Regulation Development Update on July 23, 2010. No comments were received. Since this amendment is consistent with federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Section-by-Section Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

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

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, (b) Definitions, (44) “Regulated NSR Pollutant”:

The definition of “Regulated NSR Pollutant” is revised to include elaboration on which pollutants are precursors for criteria pollutants under the National Ambient Air Quality Standards, and specific instructions on how to calculate PM emissions when determining if emissions fall within the scope of this definition.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, (b) Definitions, (49)(i) “Significant”:

The definition of “Significant” is revised to include new thresholds for PM_{2.5}.

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Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, (i) Exemptions, (5)(i):

This item is modified by adding “or nitrogen oxides” to the footnote for Ozone in the list of de minimis air quality levels, so that a facility with a net increase of 100 tons per year or more of nitrogen oxides subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data.

Regulation, 61-62.5, Standard No. 7, Prevention of Significant Deterioration, (i) Exemptions, (5)(ii):

This item is modified by changing the paragraph reference from “paragraph (i)(8)(i)” to “paragraph (i)(5)(i),” to follow a change in codification in 40 CFR 51.166.

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

Regulation, 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), (c) Definitions, (13) “Regulated NSR pollutant”:

The definition of “Regulated NSR pollutant” is modified in the introductory sentence by adding the words “of this regulation” for clarification to correct a nonsubstantive scrivener’s error. The definition is also modified by adding a list of precursors and the requirements for considering PM, including timing requirements for considering condensable emissions.

Regulation, 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), (c) Definitions, (14) “Significant”:

The definition of “Significant” is revised to include new thresholds for PM_{2.5}.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on December 29, 2010, at 10:00 a.m. in the Wallace Room (3141) at the 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 amendments to R.61-62, Air Pollution Control Regulations and Standards, and the SIP. Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Alan Hancock by mail at the Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4117; or by e-mail at hancocam@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on December 29, 2010, the close of the comment period. Comments received at the forum or during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Alan Hancock at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-4139; or by emailing hancocam@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 DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, and the SIP at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on February 10, 2011. The public hearing is to be held in room 3420 (Board

Room) of the Commissioner's Suite, third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board-agenda.htm>. 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.

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:

Purpose: The Department proposes to amend R.61-62.5, Standard No. 7, Prevention of Significant Deterioration; R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and the SIP to incorporate the provisions of the Phase 2 Ozone Rule and the NSR PM_{2.5} Implementation Rule, and to add a nonsubstantive clarification to correct a scrivener's error.

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

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation, and sending an email to stakeholders.

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

The EPA regularly promulgates amendments to federal regulations to include clarification, guidance, technical amendments, and strengthen air quality provisions. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure conformity of state regulations to federal requirements.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP will provide continued protection of the environment and public health.

24 PROPOSED REGULATIONS

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

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

Text:

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

Document No. 4161

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-68. Water Classifications and Standards

Preamble:

The Department proposes to amend R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recently published numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department proposes revisions to update numeric criteria, to remove fecal coliform (FC) as a bacterial indicator for recreational uses in specific marine waters of the State while continuing to protect existing shellfish harvesting uses in those waters, to make the regulation consistent with recent changes to the S.C. Pollution Control Act (PCA), and revisions associated with corrections or clarifications for language in the current regulation. See also the Statement of Need and Reasonableness and Statement of Rationale herein. The proposed amendments will be submitted to the General Assembly for review.

A first Notice of Drafting was published in the *State Register* on March 26, 2010 and a second Notice of Drafting with one additional issue was published in the *State Register* on April 23, 2010. Both notices were placed on the Department's water quality standards webpage and circulated to stakeholders and other interested parties. Comments were received and used in the drafting of the proposed regulation.

Section-by-Section Discussion of Proposed Changes:

R.61-68, Water Classifications and Standards

(1) Revision of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

Section Citation and Explanation of Change

R.61-68. Appendix - Amendment of the Priority Toxic Pollutants Chart to revise criteria for the following pollutants: acrolein, arsenic, and phenol to reflect EPA's most recent recommendations and to add a footnote nn.

(2) Revision of the applicability of the fecal coliform bacteriological indicator for protection of recreational and shellfish harvesting uses for tidal saltwaters.

Section Citation and Explanation of Change

R.61-68.C.3. – The proposed language assures that existing shellfish harvesting uses are protected and maintained.

R.61-68.C.7. and 8. – The proposed language ensures that water quality sufficient to protect existing shellfish harvesting uses are protected in tidally-influenced areas of the State where the ebb and flow of tides create a situation where the waters move in multiple and opposing directions along with the tides.

R.61-68.E.14.c.8. – The proposed added language ensures that existing shellfish harvesting uses found in Class SA and Class SB waters will be maintained and protected in permits issued by the Department.

R.61-68.E.14.c.9. – The proposed language amends the regulation to exclude the use of fecal coliform permit limitations in Class SA and Class SB waters for protection of recreational uses only.

R.61-68.G.12.a. – i. – The Department is proposing to replace the existing column format and replace in tabular format to maintain data in place. No changes are proposed to a. through d.

R.61-68.G.12.e. – The Department is proposing to delete the fecal coliform bacteriological indicator for protection of recreational uses for Class SA waters.

R.61-68.G.12.i. – The proposed added language will ensure that existing shellfish harvesting uses are protected and maintained in Class SA waters.

R.61-68.G.13.a. – i. – The Department is proposing to replace the existing column format and replace in tabular format to maintain data in place. No changes are proposed to a. through d.

R.61-68.G.13.e. – The Department is proposing to delete the fecal coliform bacteriological indicator for protection of recreational uses for Class SB waters.

R.61-68.G.13.i. – The proposed added language will ensure that existing shellfish harvesting uses are protected and maintained in Class SB waters.

(3) Section 48-1-83 of the South Carolina Pollution Control Act (PCA) was recently amended by the South Carolina Legislature to change the amount of the dissolved oxygen (DO) depression that the Department may permit in waters of the State that have naturally low DO.

Section Citation and Explanation of Change

R.61-68.D.4.a.and b. – The proposed language deletes the zero in the hundredth position from the 0.1 DO deficit allowance in waters with naturally low DO to make the regulation consistent with the State statute.

(4) Stylistic changes to correct readability, clarity, grammar, punctuation, typography, codification, references, consistency, and language style.

Section Citation and Explanation of Change

R.61-68.B.3. - The proposed language adds a definition for 30Q5 that was not listed in the previous definitions, but is currently used in the text of the regulation. This is in response to a request made during the comment period. The Department believes the definition was previously omitted in error.

26 PROPOSED REGULATIONS

R.61-68.E.4.b. – The proposed language deletes the name of a division of the Bureau of Water that has changed.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held on December 6, 2010, at 10:00 a.m. in Peeples Auditorium, third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-68, Water Classifications and Standards. 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, comments must be received no later than 5:00 p.m. on December 29, 2010, the close of the public 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 DHEC Regulation Development Update (Water category) or on the Bureau of Water's Water Quality Standards Webpage at http://www.scdhec.gov/environment/water/wq_standard.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 regulation 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.61-68, Water Classifications and Standards, at a public hearing to be conducted by the Board of the Department of Health and Environmental Control at its regularly scheduled meeting on January 13, 2011. The public hearing will be held in the Board Room of the Commissioner's Suite (Room 3420), third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 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 REGULATIONS: Amendment of Regulation 61-68, Water Classifications and Standards.

Purpose: Proposed amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA).

Legal Authority: S.C. Code Sections 48-1-40, 48-1-60 and 48-1-80, implementing the CWA.

Plan for Implementation: The proposed amendments would be incorporated within R.61-68 upon approval of the Board of Health and Environmental Control, the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the present regulation is implemented.

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

The amendment to R.61-68 is required to comply with Federal requirements of Section 303(c)(2)(B) of the CWA. The proposed amendments to R.61-68 include the following:

Revision and adoption of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

The proposed changes to R.61-68 relating to criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes also reflect the EPA's most recent human health methodology for developing criteria and also replace the drinking water Maximum Contaminant Level (MCL) in all columns of the human health chart in the Appendix.

Revision of the applicability of the fecal coliform bacteriological indicator for protection of recreational and shellfish harvesting uses for tidal saltwaters.

The proposed changes to R.61-68 remove the fecal coliform bacteriological indicator in Class SA and Class SB waters of the State. Due to the potential for existing shellfish harvesting uses being present in these types of waters of the State and also to ensure the protection of the existing shellfish harvesting uses of any nearby or downstream waters, the Department has added proposed language to specific sections of the regulation to ensure that those existing uses be protected and maintained.

Section 48-1-83 of the South Carolina Pollution Control Act (PCA) was recently amended by the South Carolina Legislature to change the amount of the dissolved oxygen (DO) depression that the Department may permit in waters of the State that have naturally low DO.

The Department is amending the current language of R.61-68 to reflect this recent change in the language of the PCA so that the regulation will be consistent with the State statute.

Stylistic changes to correct for: readability, grammar, punctuation, typography, codification, references, and language style.

28 PROPOSED REGULATIONS

The proposed changes to R.61-68 include a new definition for text contained in the current regulation. This will improve the clarity and readability of the regulation. The proposed changes to R.61-68 also include corrections due to typographic errors and punctuation.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments 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 to R.61-68, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. 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 standards would have incurred similar cost or the fact that the design standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-68 will promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

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

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna in the State as well as the citizens of South Carolina.

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 first issue contained in the proposed amendment of R.61-68 is a requirement of the CWA and is necessary for compliance with EPA's recommendations for the triennial review of the water quality standards to ensure consistency with the CWA. The second issue addresses an issue where the Department maintained two bacteriological indicator species for the protection of recreational swimming in marine waters during a transitional period as the Department collected data for the most recently adopted indicator species and while permits were issued with the new indicator species included. Sufficient time has passed and the proposal is to remove the fecal coliform bacterial indicator species for protection of recreational uses in some saltwaters and language is being added to ensure that fecal coliform is used to protect any existing shellfish harvesting uses found in waters of the State. The next amendment addresses the inconsistency of the current language found in the regulation to the PCA by revising the language which allows a depression deficit of dissolved oxygen (DO) in waters with naturally low DO. The remaining issue includes added language and corrections for clarity of the existing language in the regulation.

Text:

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

Document No. 4164
DIVISION OF LABOR
 CHAPTER 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20

71-3101 through 71-3120, Article 3. Child Labor

Preamble:

The Division of Labor is proposing to delete and replace obsolete regulations to conform to changes in the regulations of the United States Department of Labor. South Carolina law requires that the state regulations be no more restrictive or burdensome than applicable federal laws (S.C. Code Ann. 41-13-20).

Section-by-Section Discussion

The following is a section-by-section discussion of the amendments proposed by the Division of Labor:

Regulation 71-3100. Purpose.

No substantive change.

71-3101. Scope.

Deletes "rules and" as redundant.

71-3102. Definitions.

1. Adds numerals in parentheses.
2. No substantive change.
3. New definition for Fair Labor Standards Act, which is referenced throughout.

71-3103. Age Restrictions.

Changes age of 16 to age of 18.

71-3104. Employment in Hazardous Occupations or Occupations Detrimental to Health or Well Being.

Adds numerals in parentheses; updates section reference.

71-3105. Exempted Occupations; General.

Deletes apprentices and student learners from title for use in a separate section.

Deletes section in its entirety and replaces with new text regarding specific exemptions from the child labor requirements of the Act.

71-3106. Loading of Certain Scrap Paper Balers and Paper Box Compactors.

Deletes previous section regarding employment of minors between 14 and 16 years of age, and replaces with new text regarding child labor provisions for children 16 and 17 years of age loading power-driven scrap paper balers and paper box compactors.

30 PROPOSED REGULATIONS

71-3107. Limited Driving of Automobiles and Trucks by Employees of Seventeen (17) Years of Age.

Deletes previous section regarding lists of hazardous occupations or occupations detrimental to health of minors and exemptions, and replaces with new text regarding the Fair Labor Standards Act (FLSA) exemption for employees of 17 years of age to perform occasional and incidental driving on public highways.

71-3108. Hours of Work and Conditions of Employment Permitted for Minors Fourteen (14) and Fifteen (15) Years of Age.

Deletes previous section regarding hazardous agricultural occupations and exemptions, and replaces with new text regarding hours of work and conditions of employment permitted for minors fourteen (14) and fifteen (15) years of age, with limited exceptions.

71-3109. Occupations That May Be Performed by Minors Fourteen (14) and Fifteen (15) Years of Age.

New section with conditions for employment of minors 14 and 15 years of age authorized by 71-3108 and not involving prohibited occupations in 71-3112.

71-3110. Work Experience and Career Exploration Program.

Deletes previous section regarding procedures for hearing Child Labor Act administrative appeals, and replaces with new text regarding granting of a special variation.

71-3111. Occupations Involving Motor Vehicles.

Deletes previous section regarding proposed penalties, and replaces with new text regarding hazardous occupations involving motor vehicles and exemptions for incidental and occasional driving for minors of 16 and 17 years of age.

71-3112. Occupations That Are Prohibited to Minors Fourteen (14) and Fifteen (15) Years of Age.

New section listing occupations which constitute oppressive child labor within FLSA.

71-3113. Timber Tract Occupations, Forestry Service Occupations, Logging Occupations, and Occupations in the Operation of Any Sawmill, Lath Mill, Shingle Mill, or Cooperage Stock Mill.

New section listing exceptions for minor mill workers between 16 and 18 years of age.

71-3114. Forest Fire Fighting and Forest Fire Prevention Occupations.

New section giving exemptions for minors between 16 and 18 years of age employed in fire prevention occupations.

71-3115. Occupations Involved in the Operation of Power-Driven Woodworking Machines.

New section defining occupations involved in the operation of power-driven woodworking machines.

71-3116. Occupations Involved in the Operation of Power-Driven Hoisting Apparatus.

New section listing occupations involved in the operation of power-driven hoisting apparatus, which are particularly hazardous for minors between 16 and 18 years of age.

71-3117. Occupations Involved in the Operation of Bakery Machines.

New section listing occupations involved in the operation of power-driven bakery machines, which are particularly hazardous for minors between 16 and 17 years of age.

71-3118. Occupations Involved in the Operation of Balers, Compactors, and Paper-Products Machines.

New section listing occupations involved in the operation of balers, compactors, and paper-products machines, which are particularly hazardous for minors between 16 and 17 years of age.

71-3119. Occupations Involving the Operation of Circular Saws, Band Saws, Guillotine Shears, Chain Saws, Reciprocating Saws, Wood Chippers, and Abrasive Cutting Discs.

New section describing occupations of operator or helper on power-driven fixed or portable machines.

71-3120. Occupations in the Operation of Power-Driven Meat-Processing Machines and Occupations Involving Slaughtering, Meat and Poultry Packing, Processing, or Rendering.

New section describing occupations in the operation of power-driven meat-processing machines, slaughtering, meat and poultry packing, processing, and rendering.

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 Wednesday, January 12, 2010. Written comments may be directed to Mark Dorman, Administrator, Division of Labor, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Wednesday, December 29, 2010. If a qualifying request pursuant to Section 1-23-110(b) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The Division of Labor is amending these regulations to prevent employers in South Carolina who are subject to both state and federal child labor laws from having to conform to two sets of regulations.

DESCRIPTION OF REGULATION:

Purpose: To amend the regulations for state child labor laws to conform to federal child labor laws.

Legal Authority: Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20.

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

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

This regulation needs to be amended in order to ensure compliance with federal child labor laws.

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 conforming the regulations to federal law.

32 PROPOSED REGULATIONS

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

The regulations for state child labor laws are amended to conform to federal child labor laws in order to ensure public safety.

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. 4163
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
CHAPTER 76
Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

76-1 through 76-9. Board of Landscape Architectural Examiners

Preamble:

The South Carolina Board of Landscape Architectural Examiners proposes to draft regulations to conform to changes in S.C. Code Section 40-28-10, et seq., Act No. 249, effective June 11, 2010.

Section-by-Section Discussion

The following is a section-by-section discussion of the regulations proposed by the Board of Landscape Architectural Examiners:

76-1. Definitions.

New section defining terms used in the statute and regulations.

76-2. Registration.

New section regarding registration of landscape architects, including basic requirements for education, experience and examination.

76-3. Application for Licensure by Comity (Endorsement).

New section providing for licensure by endorsement.

76-4. Seals.

New section detailing the certificate of authorization seals for landscape architects.

76-5. License Expiration, Renewals and Reinstatement.

New section regarding license expiration, renewals, and reinstatement.

76-6. Continuing Education.

New section detailing continuing education requirements.

76-7. Examination.

New section regarding examination requirements for licensure.

76-8. Practice of Firms.

New section regarding requirements for landscape architecture firms.

76-9. Code of Ethics.

New section providing a code of ethics for the board.

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 before the Board at 9:00 a.m. on Wednesday, January 12, 2011. Written comments may be directed to Sherri Moorer, Program Assistant, Board of Landscape Architectural Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Wednesday, December 29, 2010. If a qualifying request pursuant to Section 1-23-110(b) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Board of Landscape Architectural Examiners proposes to promulgate regulations which address examinations, levels of licensure, license renewal, continuing education, and recognition of credentials from other licensing jurisdictions.

DESCRIPTION OF REGULATION:

Purpose: To add regulations for continuing education and licensure.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90.

Plan for Implementation: Administratively, the Board will see that these provisions are implemented by informing the public through written and oral communications, and posting all changes on its website.

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

These regulations need to be promulgated in order to implement 2010 Act 249.

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.

34 PROPOSED REGULATIONS

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no direct effect on the environment. The public health and the business environment of this State will be enhanced by conforming the regulations to the statute.

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

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

Statement of Rationale:

The regulations are added to conform to 2010 Act 249.

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. 4159

DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

CHAPTER 130

Statutory Authority: 1976 Code Sections 24-21-10 et seq. and Act 273 of 2010

130-30. Board Training

130-40. Reentry Supervision

130-50. Hearing Officer Qualifications and Preliminary Hearing Procedures

130-60. Administrative Sanctions for Violations

Preamble:

The South Carolina Department of Probation, Parole and Pardon Services (the Department) seeks to promulgate regulations which govern, to the extent authorized by 1976 S. C. Code of Laws, Title 24, Chapter 21 and required by Act 273 of 2010, the minimum number of hours of training required for the members of the Board of Probation, Parole and Pardon Services (the Board) and the specific requirements of the comprehensive training course that newly appointed members must complete; the specific criteria for the annual training the Board members must complete; the terms and conditions of reentry supervision; the qualifications of the Department's hearing officers and the procedures for the preliminary hearings conducted by those hearing officers; and the establishment and listing of administrative sanctions for the most common types of supervision violations.

Section-by-Section Discussion

130-30 – Board Training. This regulation is being added to define the number of hours and specific requirements for a comprehensive training course for newly appointed members of the Board and the specific criteria for the annual training thereafter.

130-40 – Reentry Supervision. This regulation is being added to establish the terms and conditions of reentry supervision.

130-50 – Hearing Officer Qualifications and Preliminary Hearing Procedures. This regulation is being added to establish qualifications for the Department’s hearing officers and the procedures for preliminary hearings conducted by those hearing officers.

130-60 – Administrative Sanctions for Violations. This regulation is being added to establish administrative sanctions and list the sanctions for the most common types of supervision violations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Teresa Knox, Chief Legal Counsel, South Carolina Department of Probation, Parole and Pardon Services, Post Office Box 50666, Columbia, SC 29250. To be considered, comments should be received no later than 5:00 p.m. on December 27, 2010. A hearing is scheduled for Thursday, January 6, 2011, beginning at 10:00 a.m., at the Administrative Law Court, 2nd floor hearing room, Edgar A. Brown Building, 1205 Pendleton Street, Columbia, South Carolina. The hearing, if held, will address a proposal by the Department to promulgate SC Regulation 130-30 concerning training for the Board, 130-40 concerning reentry supervision, 130-50 concerning hearing officer qualifications and preliminary hearing procedures and 130-60 concerning administrative sanctions for violations.

Preliminary Fiscal Impact Statement:

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

Statement and Reasonableness:

This Statement of Need and Reasonableness was determined pursuant to 1976 S. C. Code of Laws, Title 24, Chapter 21 and Act 273 of 2010.

DESCRIPTION OF REGULATION:

130-30. Board Training.

130-40. Reentry Supervision.

130-50. Hearing Officer Qualifications and Preliminary Hearing Procedures.

130-60. Administrative Sanctions for Violations.

Purpose: The purpose is to promulgate regulations which govern the minimum number of hours of training required for newly appointed members of the Board and the specific requirements of the comprehensive training course that the members must complete, as well as the specific criteria for the annual training the Board members must complete (130-30); the terms and conditions of reentry supervision (130-40); the qualifications of the Department’s hearing officers and the procedures for the preliminary hearings conducted by those hearing officers (130-50); and the establishment and listing of the administrative sanctions for the most common types of supervision violations (130-60).

Legal Authority: 1976 Code Sections 24-21-10 et seq. and Act 273 of 2010.

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

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

The proposed regulations are being promulgated to comply with provisions of Act 273 of 2010.

36 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

Costs related to the proposed regulations are minimal, while the benefits include the creation of regulations that establish standards for Board training, reentry supervision, hearing officer qualifications and preliminary hearing procedures, and administrative sanctions for violations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

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

Statement of Rationale:

The proposed regulations are being promulgated to comply with provisions of Act 273 of 2010 to establish standards for Board training, reentry supervision, hearing officer qualifications and preliminary hearing procedures, and administrative sanctions for violations.

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.

Filed: November 8, 2010 10:30am

Document No. 4155
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 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

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 the hunting seasons on many of these areas continues to January 1, it is necessary to re-file these regulations as emergency.

Text:

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex on or after Oct. 1 for still hunting only. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older. It is unlawful to attempt to harvest a deer with a gun or muzzleloader once the season bag limit for deer has been reached.

Total of 4 deer for all gun and muzzleloader hunts on the Francis Marion.

Hellhole WMA

Deer

Archery	Sept. 1 - 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
Dog Hunts (Shotguns only, no still gun hunting)	1 st Sat. in Dec. 1 st Sat. in Nov.	2 deer per day, buck only. Hogs no limit. 2 deer per day, either sex. Hogs no limit.

38 EMERGENCY REGULATIONS

On the either-sex deer hunt with dogs (except youth only hunts) all deer must be checked in at Hellhole Check Station, Bonneau Ferry entrance or M&B Alvin Community Mart.

Waterhorn WMA

Deer

Archery	Sept. 1 - 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
Still Gun Hunts	1 st & 2 nd Fri. & Sat. in Oct. 2 nd and last Fri. & Sat. in Nov.	2 deer per day, buck only. Hogs no limit.
	1 st full week in Dec. Dec. 26 - Jan. 1.	2 deer per day, either-sex. Hogs no limit.

Wambaw WMA

Deer

Archery	Sept. 1 - 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
Still Gun Hunts	Oct. 1-Jan. 1 except during scheduled dog drive hunts.	2 deer per day. Hogs no limit.
Dog Hunts (Shotguns only)	Fri. in Sept. before the last Sat. Northampton dog hunt & Wed. & Thurs. before the 3 rd Sat. in Nov. & 2 nd Sat. in Oct. & 2 hunting days after Dec. 25.	2 deer per day, buck only. Hogs no limit.
	2 nd Sat. in Dec.	2 deer per day, either-sex. Hogs no limit.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower, P&C Grocery, or Kangaroo in Jamestown.

Northampton WMA

Deer

Archery	Sept. 1 - 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
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Still Gun Hunts	Oct. 1 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day. Hogs no limit.
Dog Hunts (Shotguns only)	Last Sat. in Sept. & Wed. & Thurs. before the 2 nd Sat. in Oct. & Fri. before the 4 th Sat. in Nov. & 3 rd hunting day after Dec. 25.	2 deer per day, buck only. Hogs no limit.
	2 nd Sat. in Dec.	2 deer per day, either-sex. Hogs no limit.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P&C Grocery, Kangaroo in Jamestown, Awendaw check station on Hwy 17, or Honey Hill Lookout Tower.

Santee WMA

Deer

Archery	Sept. 1 - 30.	2 deer per day, either-sex. Sept. 15 - 30. Hogs no limit.
Still Gun Hunts	Oct. 1 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day. Hogs no limit.
Dog Drive Hunts (Shotguns only)	2 nd Fri. & Sat. in Sept. Wed. & Thurs. before the 4 th Sat. in Oct. & 1 st Fri. in Dec.	2 deer per day, buck only. Hogs no limit.
	1 st Sat. in Nov.	2 deer per day, either-sex. Hogs no limit.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Bonneau Ferry Entrance, M & B Alvin Community Mart, or Hellhole check station.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts continue through January 1, it is necessary to re-file these regulations as emergency so they take effect immediately.

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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.

Document No. 4131
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Synopsis:

The Department has amended Regulation 61-62.1, Definitions and General Requirements, and the State Implementation Plan (SIP) to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the U.S. Environmental Protection Agency (EPA) on January 21, 2009. The Department has also amended Regulations 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; 61-62.61, National Emission Standards for Hazardous Air Pollutants; 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61-62.72, Acid Rain, to incorporate by reference recent federal amendments promulgated from January 1, 2009, through December 31, 2009. The Department has also amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Subpart I, Standards of Performance for Asphalt Concrete Plants to change the name of the Subpart to match 40 CFR 60 Subpart I.

These amendments will maintain conformity with Federal requirements and ensure compliance with Federal standards pursuant to 40 CFR 51, 60, 61, 63 and 72. An assessment report and a fiscal impact statement are not required.

A Notice of Drafting for these amendments was published in the S.C. State Register on February 26, 2010.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation, 61-62.1, Subpart A, Definitions:

The definition of Volatile Organic Compounds is revised to add propylene carbonate and dimethyl carbonate to the list of chemicals that are excluded as Volatile Organic Compounds.

Regulation, 61-62.60:

Tables in Subparts A, Ce, D, Da, Db, Dc, Ec, Y, NNN, OOO, and KKKK are amended to incorporate revisions by reference.

Regulation, 61-62.60:

Title of Subpart I is corrected.

Regulation, 61-62.61:

Table in Subpart A is amended to incorporate revisions by reference.

Regulation, 61-62.63:

Tables in Subparts A, CC, and YYYYY are amended to incorporate revisions by reference.

Regulation, 61-62.63:

Subparts VVVVVV, ZZZZZZ, AAAAAA, BBBBBB, and CCCCCC are added and incorporate regulations by reference.

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Regulation, 61-62.72:

Table in Subpart A is amended to incorporate revisions by reference.

Instructions:

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, pursuant to each instruction provided below with the text of the amendments.

Text:

R.61-62.1, Definitions and General Requirements

Definitions and General Requirements of R.61-62.1, Section I.94, shall be revised as follows:

94. Volatile Organic Compound (VOC) - Any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This includes compounds other than the following compounds:

acetone;
(CF₃)₂CFCF₂OC₂H₅ (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane);
((CF₃)₂CFCF₂OCH₃) (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);
CFC-11 (trichlorofluoromethane);
CFC-12 (dichlorodifluoromethane);
CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane);
CFC-114 (1,2-dichloro-1,1,2,2-tetrafluoroethane);
CFC-115 (chloropentafluoroethane);
dimethyl carbonate;
ethane;
HCFC-22 (chlorodifluoromethane);
HCFC-31 (chlorofluoromethane);
HCFC-123 (1,1,1-trifluoro-2,2-dichloroethane);
HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane);
HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane);
HCFC-134a (1,1,1,2-tetrafluoroethane);
HCFC-141b (1,1-dichloro-1-fluoroethane);
HCFC-142b (1-chloro-1,1-difluoroethane);
HCFC-151a (1-chloro-1-fluoroethane);
HCFC 225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);
HCFC 225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);
HFC-23 (trifluoromethane);
HFC-32 (difluoromethane);
HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);
HFC-125 (pentafluoroethane);
HFC-134 (1,1,2,2-tetrafluoroethane);
HFC-143a (1,1,1-trifluoroethane);
HFC-152a (1,1-difluoroethane);
HFC-161 (ethylfluoride);
HFC 227ea (1,1,1,2,3,3,3-heptafluoropropane);
HFC-236ea (1,1,1,2,3,3,3-hexafluoropropane);
HFC-236fa (1,1,1,3,3,3-hexafluoropropane);
HFC-245ca (1,1,2,2,3-pentafluoropropane);
HFC-245ea (1,1,2,3,3-pentafluoropropane);
HFC-245eb (1,1,1,2,3-pentafluoropropane);

HFC-245fa (1,1,1,3,3-pentafluoropropane);
 HFC-365mfc (1,1,1,3,3-pentafluorobutane);
 HFE-7000 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane) or (n-C₃F₇OCH₃);
 HFE-7100 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane) or (C₄F₉OCH₃);
 HFE-7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or (C₄F₉OC₂H₅);
 HFE-7300 ((1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane);
 HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane;
 methane;
 methyl acetate;
 methyl chloroform (1,1,1-trichloroethane);
 methylene chloride (dichloromethane);
 methyl formate (HCOOCH₃);
 parachlorobenzotrifluoride (PCBTF);
 perchloroethylene (tetrachloroethylene);
 perfluorocarbon compounds that fall into these classes:
 (i) cyclic, branched, or linear, completely fluorinated alkanes;
 (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
 (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;
 propylene carbonate; and
 volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes) (VMS).

R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards (NSPS)

Subpart A - "General Provisions"

Regulation 61-62.60, Subpart A shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]

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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]

Subpart Ce - “Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators”

Regulation 61-62.60, Subpart Ce shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Ce as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Ce			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48379]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]

Subpart D - “Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971”

Regulation 61-62.60, Subpart D shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart D, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart D			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

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40 CFR Part 60 subpart D			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 61	September 24, 1996	[61 FR 49976]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978”

Regulation 61-62.60, Subpart Da shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Da as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	August 30, 2005	[70 FR 51266]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

Regulation 61-62.60, Subpart Db shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Db as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]

40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]

Subpart Dc - “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units”

Regulation 61-62.60, Subpart Dc shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Dc as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Dc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]

Subpart Ec - “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996”

Regulation 61-62.60, Subpart Ec shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Ec as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Ec

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Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	October 30, 2003	[68 FR 61759]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]

Subpart I - “Standards of Performance for Asphalt Concrete Plants”

Regulation 61-62.60, Subpart I, will be revised as follows:

Subpart I - “Standards of Performance for Hot Mix Asphalt Facilities”

The provisions of Title 40 CFR Part 60, subpart I as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart I			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 51	April 10, 1986	[51 FR 12325]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart Y - “Standards of Performance for Coal Preparation Plants”

Regulation 61-62.60, Subpart Y shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart Y as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2234]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 42	September 7, 1977	[42 FR 44812]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]

Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”

Regulation 61-62.60, Subpart NNN shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart NNN as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 74	June 24, 2009	[74 FR 29948]

Subpart OOO - “Standards of Performance for Nonmetallic Mineral Processing Plants”

Regulation 61-62.60, Subpart OOO shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart OOO as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart OOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 51	August 1, 1985	[51 FR 31337]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]
Revision	Vol. 62	June 9, 1997	[62 FR 31360]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 74	April 28, 2009	[74 FR 19294]

Subpart KKKK - “Standards of Performance for Stationary Combustion Turbines”

Regulation 61-62.60, Subpart KKKK shall be revised as follows:

The provisions of Title 40 CFR Part 60, subpart KKKK, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart KKKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 74	March 20, 2009	[74 FR 11858]

R.61-62.61, National Emission Standards for Hazardous Air Pollutants

Subpart A - “General Provisions”

Regulation 61-62.61, Subpart A shall be revised as follows:

The provisions of Title 40 CFR Part 61, subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]

40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]

R.61-62.63 – “National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories”

Subpart A - “General Provisions”

Regulation 61-62.63, Subpart A shall be revised as follows:

The provisions of Title 40 CFR Part 63, subpart A as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]

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40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]

Subpart CC - “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”

Regulation 61-62.63, Subpart CC shall be revised as follows:

The provisions of Title 40 CFR Part 63, subpart CC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]

Subpart YYYYY - “National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities”

Regulation 61-62.63, Subpart YYYYY, shall be revised as follows:

The provisions of Title 40 CFR Part 63, subpart YYYYY, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YYYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 74	February 26, 2009	[74 FR 8756]

Regulation 61-62.63, Subpart VVVVVV shall be added in alpha-numeric order as follows:

Subpart VVVVVV – “National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources”

The provisions of Title 40 CFR Part 63, subpart VVVVVV, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 subpart VVVVVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	October 29, 2009	[74 FR 56008]

Regulation 61-62.63, Subpart ZZZZZZ shall be added in alpha-numeric order as follows:

Subpart ZZZZZZ – “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries”

The provisions of Title 40 CFR Part 63, subpart ZZZZZZ, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart ZZZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	September 10, 2009	[74 FR 46493]

Regulation 61-62.63, Subpart AAAAAAA shall be added in alpha-numeric order as follows:

Subpart AAAAAAA – “National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing”

The provisions of Title 40 CFR Part 63, subpart AAAAAAA, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AAAAAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	December 2, 2009	[74 FR 63236]

Regulation 61-62.63, Subpart BBBBBBBB shall be added in alpha-numeric order as follows:

Subpart BBBBBBBB – “National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry”

The provisions of Title 40 CFR Part 63, subpart BBBBBBBB, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BBBBBBBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	December 30, 2009	[74 FR 69194]

Regulation 61-62.63, Subpart CCCCCC shall be added in alpha-numeric order as follows:

Subpart CCCCCC – “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing”

The provisions of Title 40 CFR Part 63, subpart CCCCCC, as originally published in the Federal Register as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart CCCCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	December 3, 2009	[74 FR 63504]

Regulation 61-62.72, Acid Rain**Subpart A - “General Provisions”****Regulation 61-62.72, Subpart A, shall be revised as follows:**

The provisions of Title 40 CFR Part 72, subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 72 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	January 11, 1993	[58 FR 3650]
Revision	Vol. 58	March 23, 1993	[58 FR 15634]
Revision	Vol. 58	June 21, 1993	[58 FR 33769]
Revision	Vol. 58	July 30, 1993	[58 FR 40746]
Revision	Vol. 59	November 22, 1994	[59 FR 60218]
Revision	Vol. 60	April 4, 1995	[60 FR 17100]
Revision	Vol. 60	April 11, 1995	[60 FR 18462]
Revision	Vol. 60	May 17, 1995	[60 FR 26510]
Revision	Vol. 62	October 24, 1997	[62 FR 55460]
Revision	Vol. 62	December 18, 1997	[62 FR 66278]
Revision	Vol. 63	October 27, 1998	[63 FR 57356]
Revision	Vol. 63	December 11, 1998	[63 FR 68400]
Revision	Vol. 64	May 13, 1999	[64 FR 25834]
Revision	Vol. 64	May 26, 1999	[64 FR 28564]
Revision	Vol. 66	March 1, 2001	[66 FR 12974]
Revision	Vol. 67	June 12, 2002	[67 FR 40394]
Revision	Vol. 67	August 16, 2002	[67 FR 53503]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	May 12, 2005	[70 FR 25162]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 71	April 28, 2006	[71 FR 25328]
Revision	Vol. 73	January 24, 2008	[73 FR 4312]
Revision	Vol. 74	June 12, 2009	[74 FR 27940]

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Amendments to Regulations 61-62.1, Definitions and General Requirements, Regulations 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; 61-62.61, National Emission Standards for Hazardous Air Pollutants; 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61.62.72, Acid Rain.

Purpose: These amendments will maintain conformity with Federal requirements and ensure compliance with Federal standards pursuant to 40 CFR 51, 60, 61, 63 and 72.

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

Plan for Implementation: The amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. The amendments will be implemented by providing the regulated community with copies of the regulation, and sending an email to stakeholders.

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

The EPA promulgates amendments to 40 CFR Parts 51, 60, 61, 63 and 72 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for Source Categories. States are mandated by law to adopt these federal amendments. These proposed amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions resulting from this proposed revision. The proposed standards to be adopted are already effective and applicable to the regulated community as a matter of federal law, thus regulated community has already incurred the cost of these regulations. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the amendments to R. 61-62, Air Pollution Control Regulations and Standards, and the SIP will provide continued protection of the environment and public health.

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

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

Document No. 4133
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Section 13-7-40

61-63. Radioactive Materials (Title A)

Synopsis:

The Nuclear Regulatory Commission continually updates regulations, and state regulations are amended regularly to incorporate federal updates. Section 274 of the Atomic Energy Act of 1954, as amended, requires that the states adopt federal regulations for compatibility. The Department has adopted and incorporated into R.61-63 the Nuclear Regulatory Commission updates as an item of compatibility. The amendments include minor corrections and clarifications in Parts II and IV, requirements for medical use of radioactive material. It also provides changes to Part II for exemptions from licensing, General Licenses, and licensing and reporting requirements. Medical Use, Part IV, is further revised to provide clarification for Authorized User requirements. These regulations will comply with 10 CFR Parts 30, 31, 32, and 35, Final Rules, published in the Federal Register on October 29, 2007, December 17, 2007, and September 28, 2009.

A Notice of Drafting for this amendment was published in the State Register on March 26, 2010. The revision is being promulgated to comply with federal law; neither a fiscal impact statement nor an assessment report is required. See discussion of revisions below and a statement of need and reasonableness provided herein.

Section-by-Section Discussion of Regulations:

SECTION CITATION AND EXPLANATION OF CHANGE

2.4.2.3.7.2

Adds criteria for transfer of a licensed device.

2.7.5.2.5

Revises authorization criteria for an Authorized Nuclear Pharmacist.

2.7.7.1

Adds additional medical use reference.

2.20.2.1.1

Clarifies possession of exempt concentrations.

2.20.2.1.2

Revised to address the import of radioactive material.

2.20.2.1.3

Adds clarification for exempt transfer criteria.

2.20.2.1.4

Adds clarification for exempt transfer criteria.

2.20.2.2

Clarifies sale or distribution of non-exempt products.

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2.20.2.2.1.5

Clarifies description of timepiece.

2.20.2.2.1.8

Clarifies reference date.

2.20.2.2.2

Text is removed and item is reserved.

2.20.2.2.3

Clarifies reference date.

2.20.2.2.4

Text is removed and item is reserved.

2.20.2.2.5

Clarifies reference date.

2.20.2.2.6

Text is removed and item is reserved.

2.20.2.2.8

Clarifies wording.

2.20.2.2.9

Revises device specifics.

2.20.2.5.1

Adds reference item.

2.20.2.5.5

Revises criteria for combination of exempt quantities.

2.20.2.6

Text is removed and item is reserved.

2.21.1.5

Clarifies transfer or disposal of generally licensed material.

4.20.1.2.2.2

Adds requirement for authorized users' reference.

4.21.3

Clarifies and adds requirements for authorized users.

4.23.3

Adds section for exception to training requirements.

4.32.1

Updates regulatory guidance document.

4.34.1

Clarifies decay-in-storage requirement.

4.36.1.1

Revises reference.

4.36.2

Adds authorized user reference.

4.36.3

Adds training criteria.

4.36.3.2

Adds requirement for authorized users.

4.36.4

Clarifies and adds requirements for authorized users; renumbers section to 4.36.3.3.

4.39.1.1

Changes reference.

4.39.3.2

Clarifies and adds requirements for authorized users.

4.39.4

Clarifies and adds requirements for authorized users; renumbers item to 4.39.3.3.

4.43.2.2

Clarifies and adds requirements for authorized users.

4.43.3

Clarifies and adds requirements for authorized users.

4.43.4.3

Clarifies and adds requirements for authorized users.

4.43.4.4

Clarifies and adds requirements for authorized users.

4.44.1.4

Clarifies and adds requirements for authorized users.

4.44.1.5

Clarifies and adds requirements for authorized users.

4.45.1.4

Clarifies and adds requirements for authorized users.

4.45.1.5

Adds requirement for authorized users.

4.54.1.2.2

Adds requirement for authorized users.

4.54.1.3

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Adds requirement for authorized users.

4.54.1.4

Adds requirement for authorized users.

4.55.1.4

Adds requirement for authorized users.

4.74.1.2.2

Adds requirement for authorized users.

4.74.1.3

Adds requirement for authorized users.

4.74.1.4

Clarifies and adds requirements for authorized users.

Instructions:

Revise R.61-63 pursuant to each individual instruction provided with the text below:

Text:

Revise 2.4.2.3.7.2 and add new subitems to read:

2.4.2.3.7.2 Shall obtain written Departmental approval before transferring the device to any other specific licensee not specifically identified in RHA 2.4.2.3.7; however, a holder of a specific license may transfer a device for possession and use under its own specific license without prior approval, if, the holder:

2.4.2.3.7.2.1 Verifies that the specific license authorizes the possession and use, or applies for and obtains an amendment to the license authorizing the possession and use;

2.4.2.3.7.2.2 Removes, alters, covers, or clearly and unambiguously augments the existing label (otherwise required by RHA 2.4.2.3.1) so that the device is labeled in compliance with RHA 3.24; however the manufacturer, model number, and serial number must be retained;

2.4.2.3.7.2.3 Obtains manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and

2.4.2.3.7.2.4 Reports the transfer under RHA 2.4.2.3.7.1.

Revise 2.7.5.2.5 and add new subitems to read:

2.7.5.2.5 Shall provide to the Department a copy of each individual's:

2.7.5.2.5.1 Certification by a specialty board whose process has been recognized by the NRC or an Agreement State as specified in RHA 4.22.1 of this regulation with the written attestation signed by a preceptor as required by RHA 4.22.3; or

2.7.5.2.5.2 The NRC or Agreement State license; or

2.7.5.2.5.3 The permit issued by a licensee of broad scope; and

2.7.5.2.5.4 State pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, under RHA 2.7.5.2.2.1 and 2.7.5.2.2.3, the individual to work as an authorized nuclear pharmacist.

Revise 2.7.7.1 introductory; subitems 2.7.7.1.1, 2.7.7.1.2 and 2.7.7.1.3 remain the same:

2.7.7.1 An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Part IV of these regulations for use as a calibration, transmission, or reference source or for the uses listed in RHA 4.46, 4.56, 4.58 and 4.88 of Part IV of these regulations will be approved if:

Revise section 2.20.2.1.1 to read:

2.20.2.1.1 Except as provided in RHA 2.20.2.1.3 and 2.20.2.1.4, any person is exempt from this part to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in Schedule C of this part.

Revise section 2.20.2.1.2 to read:

2.20.2.1.2 This section shall not be deemed to authorize the import of radioactive material or products containing radioactive material.

Add new section 2.20.2.1.3 to read:

2.20.2.1.3 A manufacturer, processor, or producer of a product or material is exempt from this part to the extent that this person transfers radioactive material contained in a product or material in concentrations not in excess of those specified in Schedule C of this part and introduced into the product or material by a licensee holding a specific license issued by the NRC expressly authorizing such introduction. This exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

Add new section 2.20.2.1.4 to read:

2.20.2.1.4 No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under this section or equivalent NRC or Agreement State regulations, except in accordance with a license issued under RHA 2.7.2.

Revise section 2.20.2.2 introductory; subitems 2.20.2.2.1, 2.20.2.2.1.1, 2.20.2.2.1.1.2, 2.20.2.2.1.1.3, 2.20.2.2.1.4, 2.20.2.2.1.6 and 2.20.2.2.1.7 remain the same:

2.20.2.2 Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into, the following products, or persons who initially transfer for sale or distribution the following products containing radioactive material, any person is exempt from these regulations to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products:⁶

Revise section 2.20.2.2.1.5 to read:

2.20.2.2.1.5 20 microcuries of Promethium-147 per watch hand or 40 microcuries of Promethium-147 per other timepiece hand and;

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Revise section 2.20.2.2.1.8 to read:

2.20.2.2.1.8 1 microcurie (37 kBq) of Radium-226 per timepiece in timepieces manufactured prior to November 30, 2007.

Remove text of section 2.20.2.2.2 and reserve section to read:

2.20.2.2.2 Reserved.

Revise section 2.20.2.2.3 to read:

2.20.2.2.3 Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part manufactured before December 17, 2007.

Remove the text of section 2.20.2.2.4 and reserve section to read:

2.20.2.2.4 Reserved.

Revise section 2.20.2.2.5 to read:

2.20.2.2.5 Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas manufactured before December 17, 2007.

Revise text of section 2.20.2.2.6 and reserve section to read:

2.20.2.2.6 Reserved.

Revise 2.20.2.2.8 introductory; subitems 2.20.2.2.8.1 through 2.20.2.2.8.3 remain the same:

2.20.2.2.8 Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material; provided that:

Revise section 2.20.2.2.9 to read:

2.20.2.2.9 Ionization chamber smoke detectors containing not more than 1 microcurie (uCi) of americium-241 per detector in the form of a foil and designed to protect life and property from fires.

Revise section 2.20.2.5.1 to read:

2.20.2.5.1 Except as provided in subparagraphs 2.20.2.5.3 through 2.20.2.5.5, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities, each of which does not exceed the applicable quantity set forth in RHA 2.24, Schedule B.

Revise section 2.20.2.5.5 to read:

2.20.2.5.5 No person may, for purposes of producing an increased radiation level, combine quantities of radioactive material covered by this exemption so that the aggregate quantity exceeds the limits set forth in RHA 2.24, Schedule B, except for radioactive material combined within a device placed in use before May 3, 1999, or as otherwise permitted by the regulations in this part.

Remove the text of section 2.20.2.6, to include subitems, and reserve section to read:

2.20.2.6 Reserved.

Revise section 2.21.1.5 to read:

2.21.1.5 The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person specifically licensed by the Department or by the U.S. Nuclear Regulatory Commission to receive such material.

Revise section 4.20.1.2.2.2 to read:

4.20.1.2.2.2 In clinical nuclear medicine facilities providing diagnostic and/or therapeutic services under the direction of physicians who meet the requirements for authorized users in RHA 4.23, 4.39 or RHA 4.43.

Revise section 4.21.1.2.2 to read:

4.21.1.2.2 In clinical radiation facilities providing high-energy, external beam therapy (photons and electrons with energies greater than or equal to 1 million electron volts) and brachytherapy services under the direction of physicians who meet the requirements for authorized users in RHA 4.23, 4.54 or 4.74; and

Revise section 4.21.3 to read:

4.21.3 Has obtained written attestation that the individual has satisfactorily completed the requirements in RHA 4.21.4 and 4.21.1.1 and 4.21.1.2 or 4.21.2 and 4.21.4 and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in RHA 4.21 or 4.23, or equivalent NRC or Agreement State requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status; and

Add section 4.23.3 to read:

4.23.3 Individuals who need not comply with training requirements as described in this section may serve as preceptors for, and supervisors of, applicants seeking authorization on NRC or Agreement State licenses for the same uses for which these individuals are authorized.

Revise section 4.32.1 footnote 1 to read:

¹The current revision of NUREG-1556, Vol. 9, "Consolidated Guidance About Medical Licenses" describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem).

Revise section 4.34.1 to read; subitems 4.34.1.1 and 4.34.1.2 remain the same:

4.34.1 A licensee may hold radioactive material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it--

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Revise section 4.36.1.1 to read:

4.36.1.1 Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies that includes the topics listed in paragraphs 4.36.3 through 4.36.3.2.6 of this section; and

Revise section 4.36.2 to read:

4.36.2 Is an authorized user under RHA 4.39 or 4.43 or equivalent NRC requirements; or 4.36.3--

Add section 4.36.3 to read:

4.36.3 Has completed 60 hours of training and experience, including a minimum of 8 hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies. The training and experience must include--

Revise section 4.36.3.2 to read; subitems 4.36.3.2.1 through 4.36.3.2.6 remain the same:

4.36.3.2 Work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.36, 4.39 or 4.43 or equivalent NRC requirements, involving--

Revise section 4.36.4 and renumber section item to 4.36.3.3 to read:

4.36.3.3 Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.36, 4.39 or 4.43 or equivalent NRC requirements, that the individual has satisfactorily completed the requirements in RHA 4.36.1.1 or 4.36.3 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under RHA 4.35.

Revise section 4.39.1.1 to read:

4.39.1.1 Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed radioactive material for imaging and localization studies that includes the topics listed in paragraphs RHA 4.39.3 through 4.39.3.2.7; and

Revise 4.39.3.2 introductory; subitems 4.39.3.2.1 through 4.39.3.2.7 remain the same:

4.39.3.2 Work experience, under the supervision of an authorized user, who meets the requirements in RHA 4.23, 4.39 or 4.43 and 4.39.3.2.7 or equivalent NRC requirements, involving--

Revise section 4.39.4 and renumber it to section 4.39.3.3 to read:

4.39.3.3 Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.39 or 4.43 and 4.39.3.2.7, or equivalent NRC requirements, that the individual has satisfactorily completed the requirements in RHA 4.39.1 or 4.39.3 through 4.39.3.2.7 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under RHA 4.35 and 4.37.

Revise section 4.43.2.2 introductory; subitems 4.43.2.2.1 through 4.43.2.2.7.4 remain the same:

4.43.2.2 Work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.43, or equivalent NRC requirements. A supervising authorized user, who meets the requirements

in RHA 4.43.2, must also have experience in administering dosages in the same dosage category or categories (i.e., RHA 4.43.2.2.7) as the individual requesting authorized user status. The work experience must involve--

Revise section 4.43.3 to read:

4.43.3 Has obtained written attestation that the individual has satisfactorily completed the requirements in RHA 4.43.1 and 4.43.2.2.7 or 4.43.2 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under RHA 4.40. The written attestation must be signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.43, or equivalent NRC requirements. The preceptor authorized user, who meets the requirements in RHA 4.43.2, must have experience in administering dosages in the same dosage category or categories (i.e., RHA 4.43.2.2.7) as the individual requesting authorized user status.

Revise section 4.43.4.3 introductory; subitems 4.43.4.3.1 through 4.43.4.3.6 remain the same:

4.43.4.3 Has work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.43, 4.43.4 or equivalent NRC or Agreement State requirements, in the parenteral administration, for which a written directive is required, of any beta emitter, or any photon-emitting radionuclide with a photon energy less than 150 keV, and/or parenteral administration of any other radionuclide for which a written directive is required. A supervising authorized user who meets the requirements in RHA 4.43 must have experience in administering dosages as specified in RHA 4.43.2.2.7.3 and/or RHA 4.43.2.2.7.4. The work experience must involve--

Revise section 4.43.4.4 to read:

4.43.4.4 Has obtained written attestation that the individual has satisfactorily completed the requirements in paragraphs 4.43.4.1.1 and 4.43.4.1.2 of this section, and has achieved a level of competency sufficient to function independently as an authorized user for the parenteral administration of unsealed radioactive material requiring a written directive. The written attestation must be signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.43, 4.43.4, or equivalent NRC or Agreement State requirements. A preceptor authorized user, who meets the requirements in RHA 4.43, must have experience in administering dosages as specified in RHA 4.43.2.2.7.3 and/or RHA 4.43.2.2.7.4.

Revise section 4.44.1.4; subitems 4.44.1.4.1 through 4.44.1.4.6 remain the same:

4.44.1.4 Has work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.43, RHA 4.44, RHA 4.45, or equivalent NRC requirements. A supervising authorized user who meets the requirements in RHA 4.43.2 must have experience in administering dosages as specified in RHA 4.43.2.2.7.1 or 4.43.2.2.7.2. The work experience must involve--

Revise section 4.44.1.5 to read:

4.44.1.5 Has obtained written attestation that the individual has satisfactorily completed the requirements in RHA 4.44.1.3 and 4.44.1.4 and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under RHA 4.40. The written attestation must be signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.43, 4.44, 4.45 or equivalent NRC requirements. A preceptor authorized user, who meets the requirement in RHA 4.43.2, must have experience in administering dosages as specified in RHA 4.43.2.2.7.1 or 4.43.2.2.7.2.

Revise section 4.45.1.4 introductory; subitems 4.45.1.4.1 through 4.45.1.4.6 remain the same:

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4.45.1.4 Has work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.43, 4.45, or equivalent NRC requirements. A supervising authorized user, who meets the requirements in RHA 4.43.2, must also have experience in administering dosages as specified in RHA 4.43.2.2.7.2. The work experience must involve--

Revise section 4.45.1.5 to read:

4.45.1.5 Has obtained written attestation that the individual has satisfactorily completed the requirements in RHA 4.45.1.3 and 4.45.1.4 and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under RHA 4.40. The written attestation must be signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.43, RHA 4.45 or equivalent NRC requirements. A preceptor authorized user, who meets the requirements in RHA 4.43.2, must have experience in administering dosages as specified in RHA 4.43.2.2.7.2.

Revise section 4.54.1.2.2; subitems 4.54.1.2.2.1 through 4.54.1.2.2.6 remain the same:

4.54.1.2.2 500 hours of work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.54 or equivalent NRC requirements at a medical institution, involving--

Revise section 4.54.1.3

4.54.1.3 Has completed 3 years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in RHA 4.23, 4.54 or equivalent NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.54.1.2.2; and

Revise section 4.54.1.4 to read:

4.54.1.4 Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.54 or equivalent NRC requirements, that the individual has satisfactorily completed the requirements in RHA 4.54.1.1 or 4.54.1.2 and RHA 4.54.1.3 and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under RHA 4.46.

Revise section 4.55.1.4 to read:

4.55.1.4 Has obtained written attestation, signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.54, 4.55, or equivalent NRC requirements, that the individual has satisfactorily completed the requirements in RHA 4.55.1.1 and 4.55.1.2 and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

Revise 4.74.1.2.2; subitems 4.74.1.2.2.1 through 4.74.1.2.2.6 remain the same:

4.74.1.2.2 500 hours of work experience, under the supervision of an authorized user who meets the requirements in RHA 4.23, 4.74 or equivalent NRC requirements at a medical institution, involving--

Revise section 4.74.1.3 to read:

4.74.1.3 Has completed 3 years of supervised clinical experience in radiation therapy, under an authorized user who meets the requirements in RHA 4.23, 4.74 or equivalent NRC requirements, as part of a formal training program approved by the Residency Review Committee for Radiation Oncology of the Accreditation Council for Graduate Medical Education or the Royal College of Physicians and Surgeons of

Canada or the Committee on Postdoctoral Training of the American Osteopathic Association. This experience may be obtained concurrently with the supervised work experience required by RHA 4.74.1.2.2; and

Revise section 4.74.1.4 to read:

4.74.1.4 Has obtained written attestation that the individual has satisfactorily completed the requirements in RHA 4.74.1.1.1, or 4.74.1.2 and 4.74.1.3 and 4.74.1.5 and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written attestation must be signed by a preceptor authorized user who meets the requirements in RHA 4.23, 4.74 or equivalent NRC requirements for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-63, Radioactive Materials (Title A).

Purpose: Regulation 61-63 has been amended in accordance with changes to Federal Regulation 10 CFR Part 30, 31, 32, and 35.

Legal Authority: This change to state law is authorized by S.C. Code Section 13-7-40 and required by Section 274 of the Atomic Energy Act, 40 U.S.C. Section 2021b.

Plan for Implementation: The amendments will be incorporated within R.61-63 upon approval of the Board of Health and Environmental Control and publication in the S.C. State Register. The amendments will be implemented in the same manner in which the existing regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION AND EXPECTED BENEFIT:

These regulatory amendments are exempt from the requirements of a Preliminary Fiscal Impact Statement or a Preliminary Assessment Report because each change is necessary to maintain compatibility with Federal regulations. In amending the Federal regulations, the U.S. Nuclear Regulatory Commission found the following:

The regulations provide minor corrections and clarifications in Parts II and IV, R.61-63.

DETERMINATION OF COSTS AND BENEFITS:

No additional cost will be incurred by the State or its political subdivisions by the implementation of these amendments. Existing staff and resources will be utilized to implement these amendments to the regulation. It is anticipated that the amendment will not create any significant additional cost to the regulated community based on the fact that requirements or changes to the regulation will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

None.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

It is necessary to update existing regulations as changes occur at the federal level in order to maintain compatibility with the federal government and other Agreement States. This will ensure an effective regulatory program for radioactive material users under state jurisdiction, and protection of the public and workers from unnecessary exposure to ionizing radiation.

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

None. Federal requirements will apply to all affected users. The amendments eliminate possible duplicative or redundant requirements.

Document No. 4129

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-9. Water Pollution Control Permits

Synopsis:

Regulation 61-9, Water Pollution Control Permits, has been amended to adopt Federal Clean Water Act final rules issued by the United States Environmental Protection Agency (EPA). EPA adopted regulations related to 316(b) of the Clean Water Act (40 CFR 125.80-89) on December 18, 2001 amended June 19, 2003. These phase one regulations address cooling water intakes at new facilities (power companies and manufacturing companies) with cooling water intakes greater than 2 MGD. The Department has adopted these rules to maintain delegation of the NPDES program in South Carolina.

Pursuant to S.C. Code Ann. Section 1-23-120(H)(1), these regulations were promulgated to comply with federal law and are exempt from the requirements of a fiscal impact statement, an assessment report, and do not require legislative review. See Statement of Need and Reasonableness herein.

A Notice of Drafting for the proposed revisions was published in the State Register on February 26, 2010.

Section-by-Section Discussion

Section 122.1(a)(4)

Adopt by reference 40 CFR 125 (Sections 80-89)

Section 124.10(d)(1)(ix) & (x)

Renumber (ix) to (x) and add new (ix) and (x) to match federal text

Instructions:

Amend R.61-9 pursuant to each individual instruction as provided below with the text of the amendments.

Text:**Amend Section 122.1(a)(4) to read:**

Section 122.1(a)(4). The NPDES permit program has separate, additional provisions that are used by the Department to determine what requirements must be placed in permits, if issued. These provisions are located at S.C. R61-9.125, 129, 133, and 503, and 40 CFR 136, 40 CFR subchapter N (parts 400 through 471) and 40 CFR 125.80-89 (Federal Register December 18, 2001 amended June 19, 2003), which are hereby adopted by reference.

Amend Section 122.10(d) to renumber existing 124.10(d)(1)(ix) to (x) and add new 124.10(d)(1)(ix) to read:

Section 124.10(d)(1)(ix). Requirements applicable to cooling water intake structures under section 316(b) of the CWA, in accordance with 40 CFR 125, subpart I.

Section 124.10(d)(1)(x). Any additional information considered necessary or proper.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-9, Water Pollution Control Permits.

Purpose: This amendment adopts federal regulations.

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

Plan for Implementation: Upon approval by the Board of Health and Environmental Control and publication as final regulations in the State Register, the Department will implement the regulation changes as with other regulations.

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

The basis for these changes to R.61-9 is to provide consistency with the federal program and to maintain delegation of the permitting program pursuant to the federal Clean Water Act (i.e., National Pollutant Discharge Elimination System (NPDES)). These changes will insure consistency in permitting between the state and federal programs related to cooling water intake structures. These rules protect aquatic organisms from entrainment (small aquatic organisms flowing through cooling water intakes) and from impingement (aquatic organisms being trapped on intake screen structures).

DETERMINATION OF COSTS AND BENEFITS:

These regulatory amendments are exempt from the requirements of a fiscal Impact statement or an assessment report because each change is necessary to maintain compatibility with federal regulations. These changes will not affect NPDES permit applicants because federal regulations must be applied, and these regulations are not more stringent than the federal regulations. These changes are not anticipated to change costs to the Department.

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UNCERTAINTIES OF ESTIMATES:

While a specific monetary benefit can not be estimated, consistency with the federal program will provide clarity to permit applicants as to the requirements under state regulatory programs.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Environmental protection of aquatic organisms will be protected by properly designed cooling water intake structures.

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

Without this regulation, state rules will not have specific requirements to minimize entrainment and impingement of aquatic organisms. Also, our delegation of the NPDES program would not be up to date.