

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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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.

THE 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 OF THE SOUTH CAROLINA STATE REGISTER

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 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.

1999 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

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. There are no restrictions on the re-publication of official documents appearing in the *State Register*. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

Public Inspection of Documents

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. Due to State House renovations, the Office of the State Register is temporarily located in The Carolina Plaza, Room B12, 937 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

Certificate

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

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 renewable once.

SUBSCRIPTIONS

The *State Register* is published on the fourth Friday of each month by the Legislative Council of the General Assembly of the State of South Carolina. Subscription rate is \$95.00 per year postpaid to points in the United States. Partial subscriptions may be ordered at the rate of \$8.00 per issue for the remainder of a subscription term. Subscriptions begin July 1 and end June 30.

Changes of address, notices, subscription orders, and undelivered copies should be sent to:

**South Carolina State Register
P.O. Box 11489
Columbia, South Carolina 29211**

I would like to order _____ subscription(s) to the South Carolina *State Register* at an annual rate of \$95.00 (sales tax already included).

Enclosed is my check or money order for \$_____. Date _____

Name _____

Address _____

Telephone _____

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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: www.lpitr.state.sc.us**

DOC NO.	SUBJECT	EXP. DATE	AGENCY
2400	Computing Experience for Teachers	1 23 00	Board of Education
2350	Subdivision Water & Sewage	2 01 00	Health and Envir Control
2427	Principal Induction Program	3 11 00	Board of Education
2425	Textbook Adoption	3 11 00	Board of Education
2424	Summer Programs	3 13 00	Board of Education
2430	Hunt Units and Wildlife Management	3 13 00	Dept of Natural Resources
2429	Breathalyzer Tests	3 26 00	Law Enforcement Division
2428	Alcoholic Beverages Culinary Course	3 29 00	Higher Education

REQUEST FOR AN ASSESSMENT REPORT (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2248	4 14 99	Primary and Substantial Portion (Video Game Machines)	Dept of Revenue

REQUEST TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
2193	2 11 98	Video Poker; Def ASingle Place≅ ...	Dept of Revenue

RESOLUTIONS INTRODUCED TO DISAPPROVE:(120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
1984	1 14 99	Principal Evaluation	Board of Education
1981	1 14 99	Policy Development	Board of Education
2360	5 20 99	LIFE Scholarship	Higher Education

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
2372	6 22 99	Procedures for Contested Cases	Health and Envir Control

2 EXECUTIVE ORDERS

No. 99-39

WHEREAS, one-quarter to one-third of middle grades students are not currently achieving academically at minimum standards; and

WHEREAS, the people of South Carolina have expressed their insistence that all students achieve at high standards competitive with national and world expectations; and

WHEREAS, the middle grades are the last opportunity to prepare students for the academic standards of high school; and

WHEREAS, the middle grades are a critical time regarding development of good character, strong work habits, and personal responsibility; and

WHEREAS, many middle grades students initiate risk-taking behaviors.

NOW, THEREFORE, by virtue of the powers conferred upon me by the Constitution and Statutes for the State, I hereby create the South Carolina Middle Grades Task Force to address quality teacher training and professional development, academic rigor in curriculum and instruction, effective organization of middle grade schools, parent involvement, and prevention of risk-taking behaviors.

The Middle Grades Task Force shall be charged with analyzing current shortcomings and recommending ways to:

1. Enhance the pre-service and continuing preparation of teachers to promote academic rigor, personal development, and responsible behavior among students.
2. Strengthen the cadre of middle school principals through recruitment, training, licensure, and other measures.
3. Achieve academic rigor in middle grades schools and promote academic success for all middle grades students, with special attention to effective curriculum and instruction in the core subjects assessed through the Palmetto Achievement Challenge Tests (PACT).
4. Organize middle grades schools to enhance faculty teamwork and overall effectiveness in promoting academic rigor, personal development, and responsible behavior among middle grades students.
5. Engage families as full partners in the educational and personal development of their children.
6. Prevent risk-taking behaviors through family-school-community partnerships.

It is further ordered that the Middle Grades Task Force shall provide a preliminary report on its findings and recommendations to the Governor for his consideration and review no later than December 1, 1999, and a final report no later than September 1, 2000. To assist in the implementation of its charge pursuant to his Order, the Commission may create such advisory committees or subcommittees as it deems necessary and shall appoint a staff working group of persons with expertise from all organizations whose contributions are necessary to develop excellent middle grades schools.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 8th DAY OF
SEPTEMBER, 1999.**

**JIM HODGES
GOVERNOR**

No. 99-40

WHEREAS, the National Hurricane Center has determined that the southeast coast of the United States is presently vulnerable to the effects of a strengthening hurricane that continues to develop in the Atlantic Ocean; and

WHEREAS, I have been advised that Hurricane Dennis is advancing in a Northwesterly direction and represents a potential threat to the safety, security, welfare, and property of citizens and transients in South Carolina.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Dennis. I further direct that the South Carolina National Guard be placed on a standby status and, at the discretion of the Adjutant General, in consultation with the Governor's Office, specified units of the National Guard be placed on state active duty to assist civil authorities and to take all reasonable precautions necessary for the preservation of life and property.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 27TH DAY OF AUGUST,
1999.**

**JIM HODGES
GOVERNOR**

No. 99-41

WHEREAS, effective Friday, August 27, 1999, I issued Executive Order 99-40, which, among other things, placed the South Carolina National Guard on standby status and provided that specified units of the National Guard be placed on state active duty due to the threat Hurricane Dennis represented to the residents of certain coastal areas; and

WHEREAS, conditions now exist which justify ending the standby status of the National Guard and releasing all units which were placed on state active duty as a result of Executive Order 99-40 from that status.

4 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby terminate the operation of Executive Order 99-40, effective 11:00 p.m. on August 30, 1999.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 30TH DAY OF
AUGUST, 1999.**

**JIM HODGES
GOVERNOR**

No. 99-42

WHEREAS, S.C. Code Ann. § 1-3-240(B) states: “[a]ny person appointed to a state office by a Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer”; and

WHEREAS, membership on the State Human Affairs Commission is a state office created by S.C. Code Ann. § 1-13-40 that is not listed among the exempt state offices enumerated in S.C. Code Ann. § 1-3-240(C); and

WHEREAS, Robert D. Hazel of West Columbia was previously named as a member of the State Human Affairs Commission by a Governor of this State.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove Robert D. Hazel from the State Human Affairs Commission and declare the office vacant.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 9th DAY OF
SEPTEMBER, 1999.**

**JIM HODGES
GOVERNOR**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Public Notice #99-156-GP-N

September 24, 1999

The South Carolina Department of Health and Environmental Control (DHEC) does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-02) AFuel Combustion Operations. This general permit was previously opened for a 30 day public comment period on November 15, 1995, with final issuance on May 3, 1996. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), and the 1976 Code of Laws of South Carolina, as amended, Regulation 61-62, Air Pollution Control Regulations and Standards, these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their Apotential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours at SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Lexington County

Lexington Medical Center
2720 Sunset Boulevard
West Columbia, South Carolina

Richland County

Richland Memorial Hospital
3301 Harden Street
Columbia, South Carolina

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Public Notice #99-157-GP-N

September 24, 1999

The South Carolina Department of Health and Environmental Control (DHEC) does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-03) AHot Mix Asphalt Plants. This general permit was previously opened for a 30 day public comment period on May 2, 1996, with final issuance on August 5, 1996. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), and the 1976 Code of Laws of South Carolina, as amended, Regulation 61-62, Air Pollution Control Regulations and Standards, these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours at SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Jasper County

APAC Georgia, Inc. (Savannah Division)
S.C. Highway 27-413
Hardeeville, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 24, 1999, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Beaufort County

Construction of a freestanding oncology center on the campus of Beaufort Memorial Hospital with one (1) Varian 2100 C/D linear accelerator to provide radiation therapy services to inpatients and outpatients.

Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$ 4,511,375

Affecting Charleston County

Lease of the 132 bed facility formerly operated as Hermina Traeye Memorial Nursing Center, Inc. from Sea Island Comprehensive Health Care Corporation to Hermina Traeye Nursing Center, Inc.

Hermina Traeye Nursing Center, Inc.
Johns Island, South Carolina
Project Cost: \$ 3,500,000

Affecting Georgetown County

Construction of a freestanding oncology center with one (1) linear accelerator to provide radiation therapy services to inpatients and outpatients.

Georgetown Cancer Center in Association with the Hollings Cancer Center
Georgetown, South Carolina
Project Cost: \$ 7,749,547

Affecting Lexington County

Retention of the current linear accelerator for a total of two linear accelerators at the main facility.

Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$ -0-

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning September 24, 1999. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 737-7200.

Affecting Beaufort County

Construction of a freestanding oncology center on the campus of Beaufort Memorial Hospital with one (1) Varian 2100 C/D linear accelerator to provide radiation therapy services to inpatients and outpatients.

Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$ 4,511,375

Affecting Charleston County

Lease of the 132 bed facility formerly operated as Hermina Traeye Memorial Nursing Center, Inc. from Sea Island Comprehensive Health Care Corporation to Hermina Traeye Nursing Center, Inc.

Hermina Traeye Nursing Center, Inc.

8 NOTICES

Johns Island, South Carolina
Project Cost: \$ 3,500,000

Affecting Darlington County

Conversion of sixteen (16) restricted nursing home beds to community nursing home beds, which will not participate in the Medicaid (Title XIX) Program, for a total of forty-six (46) restricted nursing home beds and forty-two (42) community nursing home beds.

Bethea Baptist Retirement Community and Healthcare Center
Darlington, South Carolina
Project Cost: \$ -0-

Addition of sixteen (16) nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total of one hundred sixty-four (164) nursing home beds.

Morrell Memorial Convalescent Center
Hartsville, South Carolina
Project Cost: \$ 29,702

Affecting Georgetown County

Construction of a freestanding oncology center with one (1) linear accelerator to provide radiation therapy services to inpatients and outpatients.

Georgetown Cancer Center in Association with the Hollings Cancer Center
Georgetown, South Carolina
Project Cost: \$ 7,749,547

Affecting Greenville County

Construction of an addition to the Memorial Medical Office Building to house a second outpatient diagnostic cardiac catheterization laboratory for a total of seven (7) diagnostic catheterization laboratories

Greenville Hospital System
Greenville, South Carolina
Project Cost: \$ 3,608,288

Affecting Lexington County

Retention of the current linear accelerator for a total of two linear accelerators at the main facility.

Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$ -0-

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice to the Regulated Community Concerning Embedded Microprocessors and the Year 2000

The South Carolina Department of Health and Environmental Control is actively working to assure all agency computer hardware and software systems will continue to function in the year 2000 and beyond. As part of that effort, the agency hereby advises the regulated community of potential problems with microprocessor-controlled equipment and devices used in the conduct of their business.

Information systems (hardware and software) used for essential business activities should be assessed for Year 2000 compliance, and, if necessary, renovated or replaced to achieve compliance. This includes devices, such as laboratory and communication equipment, which contain a microprocessor. It is possible these devices may not work properly after the year 2000, and could affect your compliance with state and federal regulations.

You are encouraged to contact the manufacturers of any such devices and obtain a Year 2000 Certification for the equipment. Many certifications are already posted on the companies' world-wide web sites.

If you have questions or require additional information, please contact Ken Knight, DHEC Year 2000 Coordinator at (803) 898-3726, or Steve Vassey, EQC Information Technology, at (803) 898-3953.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than October 25, 1999 to:

Contractor Certification Program
 South Carolina Department of Health and Environmental Control
 Division of Underground Storage Tank Management
 Attn: Loraine Tindall
 2600 Bull Street
 Columbia, SC 29201

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

Class I HSA Engineers & Scientist Hulsey, McCormick & Wallace, Inc. Mountain Environmental Services, Inc.	Class II HSA Engineers & Scientist Hulsey, McCormick & Wallace, Inc. Mountain Environmental Services, Inc. R.B.R. Drilling
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC NOTICE

The Department of Health and Human Services (DHHS) hereby gives notice of the availability of the "FY-2000 Social Services Block Grant (SSBG) Pre-Expenditure Report" to the citizens of the State for review and comment. The report reflects plans of the DHHS/State of South Carolina to expend SSBG funds for the 2000 fiscal year for Human Services.

10 NOTICES

This notice is given pursuant to the requirements of Title XX, Section 2004 of the Social Security Act (as enacted in the Omnibus Budget Reconciliation Act of 1981 [P.L. 97-35] and codified at 42 U.S.C. 1397c). Comments regarding this notice will be accepted for a period of thirty days from the date it is posted.

Written comments about the FY-2000 Pre-Expenditure Report may be submitted to the Bureau of Community Services, Department of Health and Human Services, Post Office Box 8206, Columbia, South Carolina 29202-8206. Any written comments submitted may be reviewed by the public at the Department of Health and Human Services, Division of Program Development, 8th Floor, 1801 Main Street, Columbia, South Carolina, Monday through Friday between the hours of 9:00 A.M. and 5:00 P.M.

A copy of the full FY-2000 report may be obtained through written request to the DHHS address listed above or it may be accessed through the DHHS Internet site on the World Wide Web at "<http://www.dhhs.state.sc.us>". Copies are also on file in the state's public libraries.

Department of Health and Human Services FY 2000 Pre-Expenditure Report

SERVICE NAME	ADULTS	CHILDREN	TOTAL FUNDS
Adoption Services		\$153,250	\$153,250
Case Management*	\$59,194	\$78,466	\$137,660
Counseling Services	\$418,609	\$554,900	\$973,509
Day Care Adults	\$297,106		\$297,106
Day Care Children		\$6,838,066	\$6,838,066
Education/Training Services	\$635,428		\$635,428
Foster Care Services - Children		\$2,162,661	\$2,162,661
Home Based Services	\$1,980,933	\$809,114	\$2,790,047
Home Delivered Meals	\$997,791		\$997,791
Prevention/Intervention		\$2,601,334	\$2,601,334
Protective Services Adults	\$2,684,855		\$2,684,855
Protective Services Children		\$8,251,115	\$8,251,115
Special Services for the Disabled	\$78,426		\$78,426
Transportation	\$169,510	\$27,595	\$197,105
Other Services	\$358,415	\$1,270,745	\$1,629,160
TOTAL SERVICE DOLLARS	7,680,267	\$22,747,246	30,427,513
Other Expenditures:			
DHHS Administration			\$2,656,093
TOTAL OTHER EXPENDITURES			\$2,656,093
GRAND TOTAL			\$33,083,606

Note: The SSBG program does not pay more than 8% indirect cost rate for purchase of services, and training.

*For purchased services case management from providers other than SCDSS.

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

NOTICE

The South Carolina Board of Architectural Examiners, the Department of Labor, Licensing and Regulation, Division of Professional and Occupational Licensing, and the Office of the State Engineer, in conjunction with other Boards and Departments of state government which regulate buildings, have been meeting informally to discuss problems which result from the application of inconsistent or outdated building codes by state regulatory agencies.

Draft legislation which would serve to encourage rapid and consistent adoption of current nationally recognized codes has been suggested as a solution to some of the observed problems. A copy of the draft proposal is available from and interested persons may submit comments to Ms. Jan B. Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11419, Columbia, South Carolina 29211 or by electronic mail to simpsonj@mail.llr.state.sc.us.

The drafters specifically request comments regarding the kinds of nationally recognized codes which should be regularly updated by the regulatory agencies in South Carolina state government.

12 DRAFTING

DEPARTMENT OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60, et seq.;
S.C. Education Accountability Act No. 400 of 1998

Notice of Drafting:

The South Carolina Department of Education proposes to draft a new regulation to establish the Principals' Executive Institute (PEI) with the funds appropriated for that purpose. Comments or questions about the Principals' Executive Institute may be submitted to Dr. Leonard McIntyre, Deputy Superintendent, Division of Professional Development and School Quality, 1102 Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5:00 p.m. on October 29, 1999, the close of the drafting comment period.

Synopsis:

The General Assembly added section 59-24-60 and amended the 1976 Code of Laws as to provide for the establishment of the South Carolina Principals' Executive Institute. The purpose of the PEI is to provide professional development to South Carolina's principals in management and school leadership skills. A task force appointed by the State Superintendent of Education has been established to design the program for the new Institute. The Principals' Executive Institute will be available to South Carolina's 1,200 primary and secondary principals who will attend a yearlong intensive program that incorporates twenty days in residence.

The proposed regulation will work in conjunction with other principal leadership programs operated by the South Carolina Leadership Academy to provide training and developmental programs mandated under the 1998 Education Accountability Act.

Legislative review of this proposal will be required.

DEPARTMENT OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60;
South Carolina Education Accountability Act No. 400 of 1998

Notice of Drafting:

The South Carolina State Board of Education proposes to draft amendments to Regulation 43-259.5, Superior Scholars for Today and Tomorrow (STAR) High School Diploma/Scholarship. Interested persons may submit comments to Dr. Leonard McIntyre, Deputy Superintendent, Division of Professional Development and School Quality, South Carolina Department of Education, 1429 Senate Street, Columbia, South Carolina, 20201. To be considered comments must be received no later than 5:00 p.m., October 29, 1999, the close of the drafting period.

Synopsis:

The South Carolina Education Accountability Act No. 400 of 1998, passed by the General Assembly and signed into law by the Governor on June 10, 1998, requires promulgation of new regulations and the alignment of a significant number of existing educational programs and their relevant regulations with the Act. Therefore, this regulation should be amended to reflect provisions of the South Carolina Education Accountability Act of 1998.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-64, X-Rays (Title B), Rules and Regulations for Radiation Control in its entirety. Interested persons may submit their views in writing to Ms. Pamela M. Dukes, Director, Electronic Products Section, Radiological Health Branch, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on October 25, 1999, the close of the drafting period.

Synopsis:

The Department proposes to substantially revise R.61-64, X-Rays (Title B), in its entirety. Title B has not been revised since January 1994. The general areas the Department seeks to revise includes: ensuring compatibility with Federal regulations; further clarifying and simplifying the regulations; adding new definitions as required; and, increasing fees. Specifically, the areas the Department seeks to revise include: changing State mammography regulations to be compatible with the Federal mammography requirements; adding regulations to allow South Carolina to become a certifying body for mammography facilities; simplifying the regulations relating to therapeutic equipment; clarifying equipment performance standard testing; changing equipment standards to be compatible with Federal equipment standards; reorganizing the civil penalty schedule into a matrix system to be more consistent with the rest of the Department; increasing registration fees, which have not been increased since 1993; reorganizing the fee schedule to include requiring an application fee for new facilities (currently there is no fee); and, increasing instrument calibration fees, which have not been increased since 1993. The fee increases are needed due to the mandate, under the Atomic Energy and Radiation Control Act, to recover the cost of the program through the collection of fees.

The public and regulated community are invited to recommend issues for consideration to the proposed amendment stated above.

The proposed revision will require legislative review.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62

Statutory Authority: 1976 Code Section 59-149-10

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft a new regulation that addresses the administration of the LIFE Scholarship programs. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29205. To be considered, comments must be received no later than 5:00 p.m. on October 1, 1999.

Synopsis:

On June 19, 1998 under House Bill 4535, Legislative Incentives for Future Excellence (LIFE) Scholarships, was signed into law to cover the cost of attendance up to specified limits, to eligible resident students attending eligible public or independent two-year and four-year institutions of higher learning in the State of South Carolina.

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The Statute requires that the Commission on Higher Education promulgate regulations and have administrative responsibility over the LIFE Scholarship program. Therefore, the Commission on Higher Education will promulgate regulations for the administration of the program. The LIFE Scholarship Regulations will define student eligibility including initial, continuing, and transfer student eligibility, award notification, and reporting requirements.

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-149-10 and 59-104-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft a new regulation that addresses the appeals process for the LIFE Scholarship and Palmetto Fellows Scholarship programs. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29205. To be considered, comments must be received no later than 5:00 p.m. on July 30, 1999.

Synopsis:

In June 1988, the Palmetto Fellow Scholarship Program was signed into law under Act 629, the Cutting Edge Legislation to foster scholarships among the state's post-secondary students and retain outstanding South Carolina High School graduates in the State through awards based on scholarship and achievement. On June 19, 1998 under House Bill 4535, Legislative Incentives for Future Excellence (LIFE) Scholarships, was signed into law to cover the cost of attendance up to specified limits, to eligible resident students attending eligible public or independent two-year and four-year institutions of higher learning in the State of South Carolina.

Both Statutes require that the Commission on Higher Education promulgate regulations and have administrative responsibility over the LIFE and Palmetto Fellows Scholarship programs. The Commission on Higher Education will promulgate regulations for the process in which a student who has been denied scholarship eligibility may file an appeal.

The Appeals Regulations will define the process, criteria, and circumstances in which a student may file an appeal. The regulations will provide students and administrators a timely, equitable, and consistent appeals process.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Section 40-9-30 and 40-1-70

Notice of Drafting:

The Board of Chiropractic Examiners is drafting regulations to change existing regulations so as to adopt Part IV of the National Board of Chiropractic Examiners (NBCE) in place of the state practical examination. Accordingly, the Board of Chiropractic Examiners will no longer conduct its own practical examination. Interested persons should submit their views in writing to Ms. Alana Holmes, Administrator, Board of Chiropractic Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The regulations being considered will replace the state practical examination with the National Board of Chiropractic Examiners' Part IV practical examination. The Board of Chiropractic Examiners has determined that passage of Part IV of the National Board of Chiropractic Examiners (NBCE) is an acceptable practical examination for licensing purposes in this State.

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

Statutory Authority: 1976 Code Section 41-16-40, et seq.

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of Elevator and Amusement Ride Safety, proposes to revise existing regulations concerning new and existing facilities. The proposed changes will add a new regulation to recognize national safety standards. Interested persons should submit their comments in writing to Mr. Floyd Padgett, Administrator, Office of Elevator and Amusement Ride Safety, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The Office of Elevator and Amusement Ride Safety is considering revisions that add and delete current provisions in existing regulations. The changes will add a new provision to Regulation 71-5100.I that recognizes the application of national safety standards (ANSI A18.1) for platform and stairway chairlifts. A proposed deletion from Regulation 71-5100.IV.D recognizes the requirement in A17.1, Rule 106.(b)(3) that sump pumps or drains be required in elevator pits. South Carolina will substitute a provision for safe installation of sump pumps where required by other codes or design considerations. A proposed deletion from Regulation 71-5200.IV recognizes the hazard addressed by state specific provisions is better addressed in ANSI/NFPA 70, a national electric code.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF FUNERAL SERVICE
CHAPTER 57**

Statutory Authority: 1976 Code Section 40-19-05

Notice of Drafting:

The Board of Funeral Service is proposing to amend Regulations 57-04, 57-12, and 57-13. The changes would include minor corrections, adjusted initial application fees, clarification of licensing renewal fees, and changed requirements to the Code of Ethics. Written comments may be directed to Ms. Lou Ann Pyatt, Administrator, South Carolina Board of Funeral Service, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The proposed change to Regulation 57-04(C) would correct the name of the national board that accredits courses of studies in embalming. The proposed change to Regulation 57-12(A)(1) would increase the initial application fee only. The proposed change to Regulation 57-12(A)(2) would clarify that fees cover an annual licensing period. The proposed change to Regulation 57-13(E)(2) would delete the requirement for a funeral director to contact a clergy prior to making funeral arrangements.

16 DRAFTING

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF MEDICAL EXAMINERS

Chapter 81

Statutory Authority: 1976 Code Section 40-47-20

Notice of Drafting:

The Board of Medical Examiners is considering amending Regulation 81-12 to require persons whose practice authorizations are revoked to surrender their wall certificates and wallet cards to the Board Administrator for destruction. Interested persons should submit their views in writing to Mr. Aaron J. Kozloski, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289.

Synopsis:

Revisions are being considered that amend Regulation 81-12 to require any physician, physicians assistant, respiratory care practitioner or acupuncturist whose authorization to practice is revoked to surrender his or her wall certificate and wallet card to the Board Administrator for destruction.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF MEDICAL EXAMINERS

Chapter 81

Statutory Authority: 1976 Code Sections 40-47-20; 40-1-70

Notice of Drafting:

The Board of Medical Examiners is considering amending Regulation 81-90 to permit licensure by endorsement of osteopathic physicians who have successfully completed a written examination of another state medical, osteopathic, or composite board prior to 1976, if the applicant also meets all other requirements approved by the Board. Interested persons should submit their views in writing to Mr. Aaron J. Kozloski, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289.

Synopsis:

Revisions are being considered that will amend Regulation 81-90 to permit the Board to license any osteopathic physician who can document successful completion of a written state examination of another state medical, osteopathic, or composite board prior to 1976, if the applicant also meets additional requirements approved by the Board, such as certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF PHARMACY

CHAPTER 99

Statutory Authority: 1976 Code Sections 40-43-60 and 40-1-70

Notice of Drafting:

The Board of Pharmacy is considering repealing Regulations 99-1 through 99-42 in their entirety to conform with the new Practice Act which was enacted May 1998, except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view. Interested persons should submit their views

in writing to Ms. Cheryl A. Ruff, Administrator, Board of Pharmacy, Department of Labor, Licensing and Regulation, Post Office Box 11927, Columbia, South Carolina 29211-1927.

Synopsis:

The Board of Pharmacy would repeal existing Regulations 99-1 through 99-42 to conform with the new Pharmacy Practice Act enacted May 1998, except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view. The requirements of these regulations have been addressed in current sections of the South Carolina Pharmacy Practice Act and the Department of Labor, Licensing and Regulation Engine Act.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY**

CHAPTER 99

Statutory Authority: 1976 Code Section 40-43-82

Notice of Drafting:

The Board of Pharmacy has determined that special provisions are needed for the registration of volunteers working as pharmacy technicians in free medical clinics. The Board is considering drafting a new regulation that will waive the fee requirement for volunteers working as pharmacy technicians in free medical clinics. Interested persons should submit their views in writing to Ms. Cheryl A. Ruff, Administrator, Board of Pharmacy, Department of Labor, Licensing and Regulation, Post Office Box 11927, Columbia, South Carolina 29211-1927.

Synopsis:

Because of the charitable nature of the services provided to the citizens of the State at free medical clinics and the voluntary participation of certain persons in support of those services, the Board of Pharmacy will waive the registration fee for volunteer pharmacy technicians working in free medical clinics and provide an on-site registration procedure that will eliminate the department's normal administrative costs of registration.

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

CHAPTER 19

Statutory Authority: 1976 Code Section 40-1-50, 40-29-50 and 40-29-110

Notice of Drafting:

The South Carolina Manufactured Housing Board is drafting a regulation to amend the fee charged for examination by the Board to cover the costs of examinations. Interested persons should submit their views in writing to Mr. Gary F. Wiggins, Administrator, Board of Manufactured Housing, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

A regulation is being considered to change the fee for examining candidates for manufactured housing licenses. The new fee will cover the costs incurred and charged by the testing vendor, Experior Assessments, Inc. Candidates examined by the vendor will be determined minimally competent using valid and reliable examinations, thus assuring the ability of licensees to properly perform their duties to the public.

18 DRAFTING

SOUTH CAROLINA STATE LIBRARY

CHAPTER 75

Statutory Authority: 1976 Code Section 60-1

Notice of Drafting:

The South Carolina State Library proposes to revise the regulations used for the distribution of State Aid to County Libraries. Interested persons may submit comments to Mr. James B. Johnson, Jr., Director, South Carolina State Library, P.O. Box 11469, Columbia, South Carolina 29211. To be considered, comments must be received no later than 5:00 p.m. on September 30, 1999, the close of the drafting comment period.

Synopsis:

The General Assembly in Section 60-1-80 (b) authorizes the South Carolina State Library to administer state aid to improve public library services. The annual Appropriations Act provides funding on a per capita basis to county public libraries and also sets a minimum grant level. These funds are a line item in the South Carolina State Library's budget.

The proposed revision updates State Aid regulations to accommodate advancements in library and information technology and provides more flexibility in the expenditure of funds. They address issues such as hiring of staff, automation and networking, staff training, and long range planning. They were last revised in 1980.

DEPARTMENT OF TRANSPORTATION

Chapter 63

Statutory Authority: 1976 Code Section 57-3-110

Notice of Drafting:

The South Carolina Department of Transportation proposes to draft new regulations concerning contractor prequalification and contractor disqualification and suspension. Interested persons may submit comments to Ms. Deborah Brooks Durden, SCDOT, PO Box 191, Columbia, SC 29202-0191. To be considered, comments must be received no later than 5 p.m. on October 29, 1999, the close of the drafting comment period.

Synopsis:

The regulations to be drafted will amend current regulation 63-300 through 63-308. The new regulations will eliminate the procedure for classification and rating of contractors based on net liquid assets. In the future, financial responsibility of contractors will be assured through the bonding process. The new regulations will also revise the procedure for review and appeal of a disqualification or suspension of a contractor. Under the new regulations, the Department proposes an initial review and decision by the agency's Executive Director and an appeal to the Administrative Law Judge Division from that decision.

Legislative review of this proposal will be required.

DEPARTMENT OF TRANSPORTATION
Chapter 63
Statutory Authority: 1976 Code Section 28-11-50

Notice of Drafting:

The South Carolina Department of Transportation proposes to draft new regulations that address the Relocation Assistance Program. Interested persons may submit comments to Ms. Deborah Brooks Durden, SCDOT, PO Box 191, Columbia, SC 29202-0191. To be considered, comments must be received no later than 5 p.m. on October 29, 1999, the close of the drafting comment period.

Synopsis:

SCDOT administers the Relocation Assistance Program pursuant to state law and federal statutes and regulations. SCDOT proposes to amend the current Regulations 63-321 and 63-322 to conform with current Federal regulations and to set forth a new procedure for review and appeal of relocation assistance eligibility decisions. Under the new procedures, an initial review would be conducted by the SCDOT Executive Director and an appeal to the Administrative Law Judge Division could be taken from the Executive Director's decision.

Legislative review of this proposal will be required.

WORKERS' COMPENSATION COMMISSION
CHAPTER 67
Statutory Authority: 1976 Code Section 42-3-30

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend some regulations in order to update, reflect current practice, and further streamline operations. Interested persons should submit their views in writing to Janet Godfrey Wilson, General Counsel, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, comments must be received no later than 5:00 p.m. on October 29, 1999, the close of the drafting comment period.

Synopsis:

The Commission proposes to amend 25A S.C. Code Ann. Regs. 67-803 to facilitate the approval procedure for an Agreement and Final Release to allow another commissioner to sign the agreement if the assigned commissioner is not available and 25A S.C. Code Ann. Regs. 67-1204 to facilitate the approval procedure for a Form 61.

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Document No. 2451
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27
Statutory Authority: S. C. Code Section 46-9-40

27-135. Designation of Plant Pests

Preamble:

The State Crop Pest Commission proposes to amend Regulation 27-135 (2) by adding and deleting certain plant pests. The proposed actions will better align the Commission=s list of plant pests with the federal list of noxious weeds, will clarify the names by which certain plant pests are known, and will add certain pests to the list.

The Notice of Drafting was published in the State Register on July 23, 1999. No comments were received.

Section-by-Section Discussion

(1) Add plant pests.

27-135 (b) The addition of these plant pests will better align the Commission=s list of plant pests with designated federal noxious weeds, and will also add certain plant pests which could be harmful to agriculture.

2. Delete plant pests.

27-135 (b) Two plant pests are deleted, but the names of these have been changed and re-listed as plant pests under the new names.

Notice of Public Hearing and for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed changes to the regulation at a public hearing scheduled to be held in Conference Room 1, Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC 29670 on Friday, October 29, 1999, at 10:00 AM. Should such hearing not be requested pursuant to Section 1-23-110(a)(3) on or before close of business on October 27, 1999, such hearing will be canceled without further notice.

Interested parties are also invited to submit written comments to the proposed amendments by writing to Ken Glenn at the Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments must be received no later than close of business on October 27, 1999.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 27-135, Designation of Plant Pests

Purpose. Regulation 27-135 is being amended by adding several plant pests and deleting several others.

Legal Authority. The legal authority for Regulation 27-135 is Section 46-9-40, South Carolina Code of Laws.

Plan for Implementation. The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing copies to the regulated community and media notices to the general public.

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

The proposed amendments will provide a greater degree of protection to the agricultural community by providing notice of organisms deemed to be injurious to agriculture. Such notice should act to deter the knowing importation of such organisms into South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if these plant pests are not brought into South Carolina, or remain under effective control in South Carolina. Furthermore, the State will benefit by not having to divert critically needed resources to combat an invasion of the plant pests.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed plant pests are organisms which, if unchecked, would pose a serious threat to agriculture. Combating these plant pests will require the applications of various pesticides. While pesticides have generally proved beneficial to public health, any unnecessary applications of pesticides should be avoided.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Should these amendments not be implemented, there is the possibility that the plant pest may arrive in state sooner rather than later, will not be timely detected, will multiply unnoticed, and that eradication activities will be hampered.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2452
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (3&6), 59-30-10(f), 59-39-100

R43-259. Graduation Requirements

Preamble:

The State Board of Education proposes to amend and replace in its entirety R43-259, Graduation Requirements. Notice of Drafting for the proposed amendment was published in the State Register on July 23, 1999 and no comments were received. This regulation sets out units required for a state high school diploma, provisions for granting course credit, exit examination requirements, General Educational Development (GED) equivalency diploma requirements, GED testing, and adult education diploma requirements. These amendments incorporate

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approved changes to R43-234, Defined Program Grades 9-12, and provisions of R43-259.5, Superior Scholars for Today and Tomorrow (STAR) High School Diploma/Scholarship.

Notice of Public Hearing and Opportunity for Public Comment:

Written comments may be directed to Nancy Sargent, Director, Office of School Quality, 1429 Senate Street, Room 702, Columbia, South Carolina 29201, or e-mail nsargent@sde.state.sc.us no later than 5:00 PM on October 25, 1999. Should a public hearing be requested, such a hearing will be conducted on November 9, 1999 at 11:30 AM in the Rutledge Building.

Preliminary Fiscal Impact Statement:

FY 2000-2001 is the final year of phasing in the twenty-four (24) unit diploma requirements. Currently, with a 3% inflation factor applied, the total four-year incremental costs are projected to be \$18,034,330. The previous three years of funding through FY 1999-2000 totals approximately \$13,131,794. Final year appropriation needed for FY 2000-2001 will total approximately \$4,902,536.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-259. Graduation Requirements

Purpose: R43-259. Graduation Requirements. is being amended and replaced in its entirety to incorporate approved changes to R43-234, Defined Program Grades 9-12, and provisions of R43-259.5, Superior Scholars for Today and Tomorrow (STAR) High School Diploma/Scholarship.

Legal Authority: The legal authority for R43-259, Graduation Requirements, is 1976 Code Sections 59-5-60 (3&6), 59-30-10(f), 59-39-100, 59-39-105.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. Copies of the amended regulation will be mailed to all districts, schools and educational organizations.

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

The proposed amendment will amend R43-259, Graduation Requirements, to incorporate approved amendments already made in R43-234, Defined Program Grades 9-12, and provisions of R43-259.5, Superior Scholars for Today and Tomorrow (STAR) High School Diploma/Scholarship. High schools and adult education programs will benefit from the additional clarity and specificity concerning State high school diploma requirements.

DETERMINATION OF COSTS AND BENEFITS:

This regulation sets out units required for a state high school diploma, provisions for granting course credit, exit examination requirements, General Educational Development (GED) equivalency diploma requirements, GED testing, and adult education diploma requirements. The amendments will align this regulation with other amended and new regulations already in place. High schools and adult education programs will benefit from the amendments by having more concise and up-to-date information in determining a student's eligibility for a State high school diploma in 2000-2001, and thereafter.

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: None

Summary of Preliminary Assessment Report: NA

R43-259, Graduation Requirements

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2455
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 S.C. Code of Laws, Section 48-1-60.

R.61-69, *Classified Waters*.

Preamble:

The Department proposes to amend R. 61-69. The purpose of the amendment is to reclassify the waters of Paris Mountain to recognize and protect outstanding recreational resources. Paris Mountain acts as a watershed divide between the Reedy River basin and the Enoree River basin. However, only waters in the Enoree River basin that traverse Paris Mountain State Park are under consideration for reclassification. Major tributaries of the Enoree River that traverse the State Park, including Beaverdam Creek and a tributary, Buckhorn Creek, and a tributary to Mountain Creek, are under consideration for ORW designation.

The water use classifications in R. 61-69 apply to every waterbody in the state, even if it is unnamed in the Regulation. In such cases where a waterbody is unnamed, the water use classification of the waterbody to which it is tributary applies. The waters of Paris Mountain are unnamed in the Regulation. They are tributary to the Enoree River which is classified FW. Therefore, the waters of Paris Mountain are currently classified FW.

See the section-by-section discussion below and the statement of need and reasonableness herein for more detailed information.

Section-by-Section Discussion

- (1) Beaverdam Creek (Greenville County). The current water use classification is FW or Freshwaters. The appropriate classification from the headwaters through the State Park lands to Secondary Road 563 is ORW or Outstanding Resource Waters, to protect outstanding recreational resources. From Secondary Road 563 to its confluence with the Enoree River, Beaverdam Creek is appropriately classified FW.
- (2) Unnamed Tributary to Beaverdam Creek (Greenville County). The current water use classification is FW. The appropriate classification from the headwaters, including the Reservoir, to Secondary Road 22 is ORW to protect outstanding recreational resources. From Secondary Road 22 to its confluence with Beaverdam Creek, the unnamed tributary is appropriately classified FW.
- (3) Buckhorn Creek (Greenville County). The current water use classification is FW. The appropriate classification from the headwaters, including Buckhorn Lake, to North Buckhorn Road is ORW, to protect

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outstanding recreational resources. From North Buckhorn Road to the Enoree River, Buckhorn Creek is appropriately classified FW.

(4) Tributary to Mountain Creek (Greenville County). The current water use classification is FW. The appropriate classification of this tributary from the headwaters, including Mountain Lake, to its confluence with Mountain Creek is ORW, to protect outstanding recreational resources. There are many feeder streams on steep, heavily vegetated slopes of Paris Mountain that are unnamed. Although not specifically mentioned, these streams will assume ORW designation. However, an unnamed tributary near Altamount Forest Road which receives treated wastewater is appropriately classified FW. Further, Mountain Creek itself is appropriately classified FW.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held at 7:00 p.m. on November 9, 1999, in the Courtroom at Travelers Rest City Hall, 6711 State Park Road, Travelers Rest, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled as noticed below.

Interested persons are also provided an opportunity to submit written comments by mail to the staff forum by writing to Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments submitted by mail must be received no later than 5:00 pm. on November 9, 1999. Comments received shall be submitted in a Summary of Public Comments and Department Responses to the Board for public hearing.

Copies of the text of the proposed regulation for public notice and comment may be obtained by contacting Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 9, 1999. The public hearing will be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to three minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments submitted other than at the public hearing must be received no later than 5:00 p.m. on November 9, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on December 9, 1999, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses to the Board for public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201.

Preliminary Fiscal Impact Statement: There are no anticipated costs to the State and this regulation does not require or impose any mandate on local governments.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Section 1-23-115.

DESCRIPTION OF THE REGULATION: Amendment to Regulation 61-69, *Classified Waters*.

Purpose of the Regulation: The purpose of the Regulation is to reclassify the waters of Paris Mountain in the Enoree River watershed, that traverse Paris Mountain State Park from Class Freshwater (FW) to Class Outstanding Resource Waters (ORW) to protect an outstanding recreational resource.

The water use classifications in R.61-69 apply to every waterbody in the state, even if it is unnamed in the Regulation. In such cases where a waterbody is unnamed, the water use classification of the waterbody to which it is tributary applies. The waters of Paris Mountain are unnamed in the Regulation. They are tributary to the Enoree River which is classified FW. Therefore, the waters of Paris Mountain are currently classified FW.

Legal Authority: 1976 S.C. Code of Laws, Section 48-1-60.

Plan for Implementation: Implementation procedures require a public hearing process, approval by DHEC Board, approval by General Assembly, and publication in the *State Register*. This regulation will be implemented as are other regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: The ORW designation is reserved for waters which possess exceptional recreational or ecological importance. Typically, these waters are located on protected lands such as national or state parks or wildlife refuges, or support threatened or endangered species, or support a commercial fishery, or have value for scientific research.

The regulation is needed to protect outstanding recreational waters that are part of the State Park system. It is a reasonable means of protecting the resource for 300,000 yearly visitors who use the waters for fishing, swimming, and boating.

The chief expected benefit is that the waters of Paris Mountain that supply the State Park with recreational waters will be protected from discharges from domestic, industrial, and agricultural waste treatment facilities.

DETERMINATION OF COSTS AND BENEFITS: This regulation is an amendment to Regulation 61-69. There are no anticipated costs to the State and this regulation does not require or impose any mandate on local governments.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: The regulation recognizes the outstanding recreational waters of Paris Mountain. It will protect the public health, safety, and welfare. By law, permitted wastewater discharges into waters designated ORW of Paris Mountain and the State Park in the Enoree River watershed will be prohibited.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The headwaters begin on the steep, heavily vegetated, slopes of Paris Mountain. These small streams are the only source of water for the Park's major lakes- Park Lake, Mountain Lake, and the Reservoir. Without this regulation, these high quality streams and lakes would not be adequately protected.

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Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2456
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 S.C. Code of Laws, Section 48-1-60.

R.61-69, *Classified Waters*

Preamble:

The Department proposes to amend R.61-69. The purpose of this amendment is to reclassify the waters of Lakes Keowee, Murray, Thurmond and Wylie, and Broad Creek to prohibit the discharge of treated sewage from marine toilets. There is no need to discharge treated waste into these waters because there are adequate on-shore facilities to pump waste from holding tanks on boats. Further, this amendment will revise names of two waterbodies already in R.61-69. See the section-by-section discussion below and the statement of need and reasonableness herein for more detailed information.

Section-by-Section Discussion:

(1) Keowee Lake (Oconee and Pickens Counties)- The water use classification is FW, or Freshwaters. The appropriate water use classification is both FW and NDZ, or No Discharge Zone for Marine Toilets. There is no need to allow the discharge of wastes from marine toilets into these waters because there are adequate facilities at Lake Keowee Marina for pump-out, treatment and proper disposal.

Duke Power Company refers to ALake Keowee≡ in all of its official filings with the government and in its correspondence and the USGS map shows that it is the official name for that waterbody. We are making a name change in the Regulation to reflect such. AKeowee Lake≡ will be changed to ALake Keowee.≡

(2) Lake Murray (Newberry, Lexington, Richland, and Saluda Counties)- The water use classification is FW. The appropriate classification is both FW and NDZ for Marine Toilets. There is no need to allow the discharge of wastes from marine toilets into these waters. There are adequate facilities at Dreher Island State Park, Jakes Landing, Lake Murray Marina, Lighthouse Marina, Night Harbor, Robisons Lakeside Marina, and Windward Point Yacht Club for pump-out, treatment and disposal.

(3) Lake Thurmond (Abbeville and McCormick Counties)- The water use classification is FW. The appropriate water use Class is both FW and NDZ. There is no need to allow the discharge of wastes from marine toilets in these waters. There are adequate facilities at Plum Branch Yacht Club (SC) and Tradewinds Marinas (GA) for pump-out, treatment and disposal.

According to the Corps of Engineers, AJ.Strom Thurmond Lake≡ is the official name for that waterbody. We are revising R.61-69 by making the full name its official designation. We are also revising R.61-69 by cross referencing the name of J. Strom Thurmond Lake with the Clark(s) Hill Reservoir.

(4) Lake Wylie (York County)- The water use classification is FW. The appropriate Class is both FW and NDZ. There is no need to allow the discharge of wastes from marine toilets into these waters. There are adequate facilities at Harbortowne Marina (NC) and River Hills Marina Club (SC) for pump-out, treatment and disposal.

(5) Broad Creek(Beaufort County)- The water use classification is Shellfish Harvesting Waters (SFH). The appropriate Class is both SFH and NDZ. There is no need to allow the discharge of wastes into these waters. There are adequate facilities at Palmetto Bay Marina, Wexford Lock Harbor Marina, and Shelter Cove Marina for pump-out, treatment and disposal.

Notice of Staff Informational Forums:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend any of three staff-conducted informational forums to be held on October 26, 1999 at 7:00 p.m. in Training Rooms 1625 and 1635 the at the Department of Health and Environmental Control at 2600 Bull Street in Columbia; October 27, 1999 at 7:00 p.m. in the Hilton Head Island Town Hall, 1 Town Center Court; and October 28, 1999 at 7:00 p.m. at Duke Power's World of Energy, 7812 Rochester Highway in Seneca. The purpose of the forums is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled as noticed below.

Interested persons are also provided an opportunity to submit written comments by mail to the staff forum by writing to Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments submitted by mail must be received no later than 5:00 p.m. on October 28, 1999. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the text of the proposed regulation for public notice and comment may be obtained by contacting Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 9, 1999. The public hearing will be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to three minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments submitted other than at the public hearing must be received no later than 5:00 p.m. on October 28, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on December 9, 1999, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses to the Board for public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Ms. Sally C. Knowles, Director, Division of Water Quality at SC DHEC, 2600 Bull Street, Columbia, SC 29201.

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Preliminary Fiscal Impact Statement: There are no anticipated costs to the State and this regulation does not require or impose any mandate on local governments.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Section 1-23-115.

DESCRIPTION OF THE REGULATION: Amendment to Regulation 61-69, "Classified Waters".

Purpose of the Regulation: The purpose of the Regulation is to reclassify the waters of Lakes Keowee, Murray, Thurmond, and Wylie, and Broad Creek to prohibit the discharge of treated sewage from marine toilets. Broad Creek is located at Hilton Head Island, Beaufort County.

This amendment will also amend the names of two waterbodies in R.61-69. According to the Corps of Engineers, AJ. Strom Thurmond Lake is the official name of that waterbody. We are amending the Regulation by making the full name the official designation. Further, the amendment will cross reference the name J. Strom Thurmond Lake with Clark(s) Hill Reservoir.

Duke Power Company refers to ALake Keowee in its official filings with the government and in its correspondence. The U.S. Geological Survey (USGS) Map refers to Lake Keowee as its official name. We are making a name change in the Regulation to reflect such.

Legal Authority: 1976 S.C. Code of Laws, Section 48-1-60.

Plan for Implementation: Implementation procedures require a public hearing process, approval by the DHEC Board, approval by the General Assembly, and publication in the State Register. This regulation will be implemented as are other regulations.

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

Federal and state laws prohibit the discharge of untreated sewage into the waters of the United States. Effluent from marine toilets is allowed, provided it has undergone some treatment and disinfection.

In some cases, water bodies that are used for intensive recreation, or for drinking water, or used in the propagation of shellfish may need more protection than afforded by the minimum Federal standards.

In those cases, Federal law allows states to completely prohibit discharges from boats if it can be demonstrated to the U.S. Environmental Protection Agency (EPA) that adequate and accessible pump-out facilities are reasonably available to all boats.

DHEC decided to consider all the major lakes for no discharge status provided each had enough marinas with adequate pump-outs to handle the expected boat traffic. In addition, Lake Murray property owners expressed concern over the increasing number of watercraft equipped with marine toilets and the need to protect public health, safety, and welfare. Their concerns are known to members of the House and the Senate who passed Resolutions requesting that DHEC designate Lake Murray as No Discharge Zone for Marine Toilets. Similarly, Hilton Head Island property owners were concerned about treated sewage being discharged into Broad Creek.

If implemented, adverse water quality impacts from boat discharges will be prevented in the Lakes and Broad Creek.

The location of Lake Strom Thurmond and Lake Keowee are well known to most of the population of the state. The only purpose in revising these names in the Regulations is to be accurate. Otherwise, we believe these changes are minor, inconsequential.

DETERMINATION OF COSTS AND BENEFITS:

Presently, the owners of boats can discharge partially treated sewage from marine toilets, which may contain still active microorganisms, directly into waters where people are swimming, or fishing, or boating, or near drinking water intakes.

The type of boats (e.g., size, date of manufacture) as well as the type of Marine Sanitation Device (MSD) or toilet (Type I, II, or III) that is required to be installed is regulated by the U.S. Coast Guard. A Type I MSD is a flow-through device where the sewage is filtered through an on-board system, then directly discharged. A Type I MSD disinfects the sewage, reduces the amount of fecal coliform bacteria, grinds the treated sewage, including paper products to produce no floating solids. A Type II MSD provides an advanced form of the same treatment, further reduces the amount of fecal coliform bacteria, and produces no suspended solids. A Type III MSD (holding tank) is designed to prevent the overboard discharge of treated or untreated sewage.

The reclassification of the waters of Lakes Keowee, Murray, Thurmond, and Wylie, and Broad Creek will affect the operation of boats with flow-through MSD's. The use of flow-through MSD's (Types I and II) on these waters will be prohibited. However, boat owners may not necessarily have to retrofit their boats. If implemented, a boat owner may comply by either: (1) not using the marine toilet in these waters; (2) sealing the head when operating in these waters; or (3) retrofitting the boat to prevent overboard releases.

DHEC staff conducted a survey of marina operators to find out how much they charged to pump out a marine toilet. Many marina operators said that the service was free. The most frequent response was a charge of five (5) dollars. Occasionally, the response was ten (10) dollars.

The reclassification will not affect the operation of Type III MSD's. Even now, Type III holding tanks must be pumped out at marinas equipped to receive wastes from marine toilets.

The reclassification will not impose costs to owners and operators of marinas. Initially, ten lakes were considered for designation as "no discharge" zones for marine toilets; however, six did not have the infrastructure to handle the boating traffic. Thus, they were eliminated from consideration at this time. The Department only considered lakes that already had sufficient numbers of marinas with adequate pump-out infrastructure.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will prohibit the discharge of treated sewage from marine toilets, and enhance and protect waters used for intensive recreation or as drinking water sources.

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

Increasing boat traffic on these waterbodies will increase the potential for user exposure to pathogens.

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Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No.2454
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Section 44-93-10 et. seq.

R.61-105. Infectious Waste Management Regulations

Preamble:

The Department proposes to amend R.61-105 as follows:

(1) Language no longer valid will be deleted. The regulation will be updated pursuant to the ruling of the United States District Court on January 20, 1994, declaring that certain provisions of R.61-105 were unconstitutional.

(2) Infectious waste standards for generators, transporters, transfer stations and treatment facilities will be updated.

A Notice of Drafting for this proposed amendment was published in the *State Register* on June 25, 1999. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein:

Discussion of Proposed Revisions:

(1) Language no longer valid will be deleted. The regulation will be updated pursuant to the ruling of the United States District Court on January 20, 1994, declaring that certain provisions of R.61-105 were unconstitutional:

<u>SECTION</u>	<u>CHANGE</u>
61-105.K(5)(a)	Revised by deleting Aon-site storage for quantities of no more than fifty (50) pounds≡ to Aonsite storage≡; revised by replacing Aand≡ by Aor.≡
61-105.K(5)(b)&(c)	These sections are combined into A61-105.K(5)(b).≡ Revised to replace invalid language ruled invalid by the Court. Changes relate when infectious waste leaves the generator site.
Existing 61-105.K(5)(d)	Revise existing A61-105.K(5)(d)≡ and renumbering it to A61-105.K5(K)(c).≡ Delete wording relating to requirements for time for waste to be delivered to treatment facilities.
Existing 61-105.K(5)(e)	Renumber existing A61-105.K(5)(e)≡ to A61-105.K(5)(d).≡ One grammatical change is made changing Aa≡ to Aan.≡
61-105.K(5)(f)	Delete A61-105.K(5)(f)≡ to remove invalid language.
61-105.Q(1)(h)	Deleting subitem because language is invalid.

Existing

61-105.CC Renumber existing A61-105.CC≅ by A61-105.DD.≅ A 61-105.CC, CC(1)≅ through CC(4) deletes invalid language and is revised to address the initial processing fee.

(2) Infectious waste standards for generators, transporters, transfer stations and treatment facilities will be updated.

61-105.A(3) Punctuation change. No substantive change is made.

61-105.A(5) Stylistic change. Replace wording Atransporters, and owners/operators≅ to Atransporters, owners/operators,≅ deleting the word Aand.≅ Also the wording Afacilities, and any≅ is changed to Afacilities, or any.≅

61-105.D(1)(w) This subsection item is revised to insert AResource Conservation and Recovery Act (RCRA).≅ Replace ASubpart A, Section 261.3" language with AR.61-79.261.3."

61-105.D(1)(bb) Stylistic change to definition of AOff-site.≅ Replace word from "Off-site" to "Offsite" and replace word Aon-site≅ to Aonsite.≅

61-105.D(1)(cc) Stylistic change to definition of AOn-site. Replace word from AOn-site≅ to Aonsite.≅

New

61-105.D(1) Two new definitions are added to this section as follows: AProducts of conception≅ and ASecured Area.≅ One existing definition, ASolid Waste Collection Person,≅ at existing section A61-105.D(1)(hh)≅, is deleted. New definitions will be added in alphabetical order; remaining definitions will be renumbered accordingly.

61-105.D(1)(ff) Existing A61-105.D(1)(ff)≅, "Radioactive waste,≅ is revised to replace the word Awaste≅ to Amaterial.≅

61-105.D(1)(gg) Replace existing definition of ASolid Waste.≅ Definition is revised for consistency to mirror the definition as provided in AR.61-107", Solid Waste Management.

61-105.D(1)(jj) Existing A61-105. D(1)(jj)≅, definition of AStorage≅ is revised to delete language: Athe actual or intended.≅

61-105.D(1)(nn) Stylistic change to definition of ATransporter.≅ The word "off-site≅ is changed to Aoffsite.≅

61-105.D(1)(oo) Existing A61-105.D(1)(oo)≅, "Transport vehicle,≅ is revised to replace the words Amotor vehicle or rail car≅ to Amethod.≅

61-105.D(1)(rr) Existing A61-105.D(1)(rr)≅, AUniversal biohazard symbol,≅ is revised to replace an OSHA reference from "1910.145(f)(8)(ii)≅ to A1910.1030(g)(1)(I)(B).≅

61-105.E(1)(b) Revised to replace wording "etiological" to "human pathogenic;" replace wording "mix cultures.≅ to Amix microbiological cultures.≅

61-105.E(1)(d) Revised to insert the word "limbs, and≅ to Alimbs, products of conception;≅ revised to add wording "cervical;" and; add language relating to bloodborne pathogens.

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- 61-105.E(1)(f) Revised to replace "Class," to "Biosafety Level 4 agents."
- 61-105.E(1)(b) Revised to replace the word Awaste≡ to Amaterial.≡
- 61-105.E(2)(f) Revised to replace "remains," to "remains, products of conception."
- 61-105.E(2)(g) Stylistic change - replace wording Aoff-site≡ to Aoffsite.≡
- 61-105.E(3) Stylistic change - replace wording Awastes fit≡ to Awaste fits.≡
- 61-105.F(1) Revised also to delete language relating to registering after 90 days of the effective date of the regulation.
- 61-105 F(1)(c) Revised to require physical location of the site. The word A generation≡ is revised to Awaste generated≡ for clarification.
- New
61-105 F(1)(d) New subitem is added at A61-105.F(1)(d)≡ to include "Mailing address for the site of generation.≡
- Existing
61-105.F(1)(d) This section is renumbered to A61-105.F(1)(e)≡ and is revised stylistically to delete the word Aand≡ at the end of the subitem. No other text is changed.
- New
61-105.F(1)(f) New subitem is added to include "contact name of the infectious waste coordinator; and.≡
- Existing
61-105.F(1)(g) Existing "61-105.F(1)(e)" is renumbered stylistically to "61-105.F(1)(g)."
- 61-105.F(3) Revised stylistically to insert A(3)≡ between the words Athree≡ and Ayears≡ and insert A(5)≡ between the words Afive≡ and Ayears.≡ No other text is changed.
- 61-105.F(5) Stylistic change. Replace wording Aon-site≡ to Aonsite.≡ No other text is changed.
- 61-105.F(6)(b) Stylistic change. Replace wording Aoff-site≡ to Aoffsite.≡ No other text is changed.
- 61-105.F(6)(c) Stylist change. Replace wording Aoff-site≡ to Aoffsite.≡ No other text is changed.
- New
61-105 F(6)(d)(i)&(ii) New subitem is added at A61-105.F(6)(d)≡ to include language relating to radioactive material.
- Existing
61-105.F(6)(d) Existing "61-105.F(6)(d)" is renumbered stylistically to "61-105.F(6)(e)." Revised stylistically to change reference from "Section Z≡ to "Section AA.≡
- Existing
61-105.F(6)(e) Existing "61-105.F(6)(e)" is renumbered stylistically to "61-105.F(6)(f)." No other text is changed.
- Existing
61-105.F(6)(f) Existing "61-105.F(6)(f)" is renumbered stylistically to "61-105.F(6)(g)." Revised to delete certain language and replacing it with language that requires infectious waste to be managed to prevent exposure to the public or the environment.
- Existing

- 61-105.F(6)(g) Existing "61-105.F(6)(g)" is renumbered stylistically to "61-105.F(6)(h)." Revised for clarification. Insert "treat infectious waste onsite or" and replace wording Aoff-site≡ by Aoffsite≡ for stylistic change.
- 61-105.F(7) Revised to delete existing language in this section and replacing it with language to clarify when a generator relocates, closes, or ceases to operate.
- 61-105.G(1)(a) Stylistic change for reference. Replace Aexcept Section F (4); (6)(a),(b), and (g); and F(7);and≡ with Aexcept Section F (4); (5), and (6)(h); and.≡
- 61-105.G(1)(b) Stylistic change - replace wording Awastes≡ to Awaste.≡
- 61-105.G(1)(b)(ii) Stylistic change for consistency in language. Revise wording Acultures≡ to Amicrobiological cultures, products of conception.≡
- 61-105.G(2)(c) Revised subitem with language to protect the container from weather conditions.
- 61-105.G(3) Stylistic changes. Replace wording Aoff-site≡ to Aoffsite.≡ Reference is revised from ADD≡ to AEE.≡ No other changes are made.
- 61-105.H Stylistic change - replace wording Athese wastes≡ to Athe waste.≡
- 61-105.I(1) Stylistic change. Replace wording Aoff-site≡ to Aoffsite.≡ No other changes are made.
- 61-105.I(3) Stylistic change. Replace wording Asemi-rigid≡ to Asemirigid.≡ No other changes are made.
- 61-105.I(7) Replace wording Aroll-off containers, truck≡ to Atrailer.≡
- 61-105.I(8) Revised to insert wording Atransportation.≡
- 61-105.I(9) Delete subitem A61-105. I(9)≡ related to improperly packaged containers.
- Existing
61-105.I(10)&(11) Renumbered to 61-105.I(9) and (10). No changes are made to the text.
- Existing
61-105.I(12) Renumber existing "61-105.I(12)" stylistically to "61-105.I(11)." Revises to delete language relating to labeling. Language is added how the waste must be managed.
- New
61-105.I(12) New subitem is added related to labeling of treated infectious waste.
- 61-105.J(2) Stylistic change. Replace wording Aoff-site≡ to Aoffsite.≡ No other changes are made.
- 61-105.J(2)(a) Stylistic change. Revision replaces OSHA reference from "1910.145(f)(8)(ii)≡ to A1910.1030(g)(1)(I)(B).≡ No other changes are made.
- 61-105.J(2)(b) Stylistic punctuation and grammatical change Revision replaces wording Aand≡ by Aor.≡
- 61-105.J(2)(e) Revised to add Aor sent off site, if not stored≡ for clarification.

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- 61-105.K(1) Revised by inserting wording Aweather conditions,≅ to Aweather conditions, theft, vandalism≅ for clarification.
- 61-105.K(4) Revised to replace an OSHA reference from A1910.145 (f) (8) (ii)≅ to A1910.1030(g)(1)(I)(B).≅
- 61-105.K(6) One grammatical change is made changing Aa≅ to Aan.≅
- 61-105.L(2) Revised language to clarify requirements for disinfectants according to EPA.
- 61-105.M(1) Stylistic change. Replace wording Aoff-site≅ to Aoffsite.≅ Revised language to clarify Adesignated≅ to Aapproved.≅
- 61-105.M(1)(a) Revised to clarify by add the Department identification number.
- 61-105.M(1)(b) Grammatical change. Replace wording Awastes≅ to Awaste.≅
- 61-105.M(1)(c) Revised to delete wording Aand the weight of the waste≅ and make a stylistic change from A1%≅ to Aone (1) percent.≅
- 61-105.M(1)(f) Revised to add reference to the S.C. Hazardous Waste Management Regulations.
- 61-105.M(1)(g) Revised to replace the word Awaste≅ to Amaterial≅ and add reference to Setion F(6)(d)
- 61-105.M(1)(k) Stylistic change. Replace wording of Aon-site≅ to Aonsite.≅ No other changes are made.
- 61-105.M(2) Stylistic change . Replace wording Aoff-site≅ to Aoffsite.≅ No other changes are made.
- 61-105.M(3) Revised stylistically to change A(g), and (f)≅ with A(f), and (g).≅ No other changes are made.
- 61-105.M(5) Revision extends the thirty day requirement to fifty (50) days for generators to receive their manifest.
- 61-105.N(1) Grammatical change to revise Awastes≅ to Awaste≅ and Aare≅ by Ais.≅ Delete for clarification wording A transported,≅ with Aor≅ and delete wording A, or disposed.≅
- 61-105.N(2) Stylistic change. Replace wording Aoff-site≅ to Aoffsite.≅ No other changes are made.
- 61-105.N(3) Revise language for the waste to be transported to a treatment facility.
- New
- 61-105.N(3)(a)&(b) New subitems added to clarify how infectious waste is transferred to one vehicle to another and unloaded into a fixed storage area.
- 61-105.N(4) Revised stylistically for clarification. Replace wording Apre-transport≅ with Athe.≅ Grammatical change to replace wording Awastes≅ to Awaste.≅
- 61-105.N(12) Revised to include language to clarify that the transporter may provide documentation that the waste was screened by the generator.

- 61-105.O(1)(a) Stylistic punctuation and grammatical change and deletion of the wording Aand EPA Hazardous or Medical Waste Identification Number;≡
- 61-105.O(1)(b) Stylistic punctuation and grammatical change for clarification.
- New
61-105.O(2)(a)&(b) New subitems added for the transporters to notify the Department in writing within thirty (30) days if any changes occur and for transporters who fail to re-register by the expiration date.
- New
61-105.O(6) Subitem added exempt status from registration for transporters which neither pick-up infectious waste nor deliver infectious waste within this state.
- 61-105.P(2)(a) Stylistic change. No other changes are made.
- 61-105.P(3), (3)(a), (3)(b) &(3)(c) Delete the word AReserved,≡ and new text is added related to transporters accepting loaded and sealed trailers from brokers or generators.
- 61-105.Q(1)(a) Stylistic change and add language to minimize exposure to the public.
- 61-105.Q(1)(f) Revised to add language that the cargo carrying body doors must be closed tightly.
- 61-105.Q(1)(g) Stylistic change. No other changes are made.
- 61-105.Q(2) Stylistic change - replace wording Aboth wastes≡ to Aeach waste≡ and Awastes≡ to Awaste.≡
- 61-105.R(2)(b) Revised to delete language Aand total weight≡ and also Athe≡ for clarification.
- 61-105.R(3) Stylistic change for clarification of meaning. Replace wording Aoff-loaded to be treated.≡ to Aunloaded for treatment.≡
- New 61-105.R(8) through R(8)(c) New subitem added related to all transporters and management companies who would list themselves as a generator of the waste.
- 61-105.S(1) Revised to delete wording Atransported≡ and Adisposed≡ for clarification.
- 61-105.S(1)(c)&(d) Subitems relating to number of generators and their addresses from where the waste is accepted are deleted.
- Existing
61-105.S(1)(e) Renumber existing "61-105.S(1)(e)" stylistically to "61-105.S(1)(c)" and delete wording Ain South Carolina and from all out-of-state generators, by state of origin, which were delivered to this state,≡
- Existing
61-105.S(1)(f),(g)&(h) These existing subitems are renumbered stylistically to "61-105.S(1)(d), (e) & (f). No changes are made to the text.
- 61-105.T(2)(a) Stylistic change. Replace wording AState≡ by Astate.≡ No other changes are made.
- 61-105.T(5)(a) Revised to add language for treatment of infectious waste.

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- 61-105.T(7) Stylistic change. Replace wording Awastes≅ to Awaste≅ No other changes are made.
- 61-105.T(8) Stylistic change. Revised for clarity to replace wording Aon-site≅ to Aby an approved method onsite,≅ and replace wording Aby an approved method onsite,≅ to Aon-site≅ - does not change legal meaning.
- 61-105.T(10) Revised to delete requirements for cultures and stocks and adding in requirements for treating products of conception.
- 61-105.U(3) Stylistic change for clarification by inserting wording Atreatment residue.≅
- 61-105.U(4)(d) Grammatical stylistic change to replace wording Arecordkeeping≅ to Arecord keeping.≅
- 61-105.U(7) Stylistic punctuation change.
- 61-105.U(7)(c) Revised to add in a time line for cleaning up spills.
- 61-105.U(7)(e) Stylistic change to clarify telephone number A803-253" to A(803)253."
- 61-105.U(9) Revised to add language to clarify that the Department may transfer a permit to a new owner or operator if specific conditions are met.
- 61-105.U(10)(a) Stylistic change to clarify name of DHEC bureau.
- 61-105.U(10)(e) Revised to include language relating to radioactive material.
- 61-105.U(11) Stylistic change. Revised to replace wording Aoff-site≅ to Aoffsite≅ and Aon site≅ to Aonsite.≅ No other changes.
- 61-105.U(12) Stylistic change. Revised to replace wording Aoff-site≅ to Aoffsite.≅ Revised also to add introductory language for treatment facilities.
- New 61-105.U(12)
(a) & (b) New subitems added to require treatment facilities to disinfect and clean out visible debris from the cargo-carrying body.
- 61-105.U(13)(c) Revised to delete wording Amust.≅
- 61-105.U(14) Stylistic punctuation change.
- 61-105.U(14)(a) Stylistic change. Revised to replace wording Awastes≅ to Athe waste.≅ And also, revised to extend time line for calibration for steam sterilization of treatment.
- 61-105.U(14)(b) Stylistic change to replace wording A(250F)≅ to A(250 degrees Fahrenheit).
- 61-105.U(15) Revised to delete existing subsection A61-105.U(15).≅ This requirement will be replaced by A61-105.V.≅
- New
61-105.V Insert new section A61-105.V.≅ AIntermediate Handling Facilities Standards.≅
- Existing

- 61-105.V
Existing
61-105.V(1)
Existing
61-105.V(2)
Existing
61-105.V(4)
Existing
61-105.V(5)
Existing
61-105.V(7)
Existing
61-105.V(7)(d)
61-105.V(7)(e)
61-105.V(7)(f)
Existing
61-105.V(7)(I)
Existing
61-105.V(7)(m)
Existing
61-105.V(11)
Existing
61-105.V(12)
Existing
61-105.V(15)
Existing
61-105.W
Existing
61-105.W(2)(a)
Existing
- Renumber existing A61-105.V≡ stylistically to A61-105.W≡ Permit Applications and Issuance.
- Revise existing A61-105.V(1)≡, now renumbered to A61-105.W(1)≡, to clarify type of facility and that new construction cannot be permitted without obtaining an infectious waste management permit. Name of bureau is clarified.
- Revise existing A61-105.V(2)≡, now renumbered to A61-105.W(2)≡, by deleting language which placed a treatment cap on facilities.
- Revise existing A61-105.V(4)≡, now renumbered to A61-105.W(4)≡, by deleting language requiring submittal of a permit within 60 days of effective date. Clarifying that an intermediate handling facility does not need to submit a demonstration of need.
- Insert new wording A61-105.V(5)≡, now renumbered to A61-105.W(5)≡, A Infectious Waste Management Permit.≡
- Revise existing A61-105.V(7)≡, now renumbered to A61-105.W(7)≡, by adding language to include Intermediate Handling Facility requirements.
- Revise existing A61-105.V(7)(d)≡, now renumbered to A61-105.W(7)(d)≡, by deleting language Aand≡ also adding A100 year flood plain.≡
- Revise existing A61-105.V(7)(e)≡, now renumbered to A61-105.W(7)(e)≡, to correct spelling of the word acknowledgment.
- Revise existing A61-105.V(7)(f)≡, now renumbered to A61-105.W(7)(f)≡, by adding the word Ahandling,≡ to the requirements of infectious waste.
- Revise existing A61-105.V(7)(I)≡, now renumbered to A61-105.W(7)(I)≡, by adding language on how the waste should be managed to protect the waste from flood waters.
- Revise existing A61-105.V(7)(m)≡, now renumbered to A61-105.W(7)(m)≡, to clarify closure. Add new subitems 61-105.W(7)(m)(i) and (ii) to clarify estimated cost of closure.
- Revise existing A61-105.V(11)≡, now renumbered to A61-105.W(11)≡, by adding language to the permit requirements.
- Insert new wording A61-105.V(12)≡, now renumbered to A61-105.W(12)≡, A Infectious Waste Management Permit.≡
- Delete this subsection item. Language deleted was inserted elsewhere in the regulation.
- Renumber existing A61-105.W≡ stylistically to A61-105.X≡ Permit By Rule.
- Revise existing A61-105.W(2)(a)≡, now renumbered to A61-105.X(2)(a)≡, to clarify reference to section in regulation.

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- 61-105.W(2)(b) Stylistic change. Revise existing A61-105.W(2)(b)≡, now renumbered to A61-105.X(2)(b)≡, by replacing language Aon-site≡ to Aonsite.≡ No other changes.
- Existing
61-105.W(2)(e) Stylistic change. Revise existing A61-105.W(2)(e)≡, now renumbered to A61-105.X(2)(e)≡, by replacing language Awithin thirty (30) days of the effective date of this regulation≡ to A before onsite treatment activities begin .≡
- 61-105.W(3) Revise existing A61-105.W(3)≡, now renumbered to A61-105.X(3)≡, to clarify reference to section in regulation.
- Existing
61-105.W(4) Revise existing A61-105.W(4)≡, now renumbered to A61-105.X(4)≡, to clarify reference to section in regulation.
- Existing
61-105 X Renumber existing A61-105 X≡ stylistically to A61-105.Y≡ Manifest Form Requirements For Permitted Treatment Facilities.
- Existing
61-105.X(1) Stylistic change. Revise existing A61-105.X(1)≡, now renumbered to A61-105.Y(1)≡, by replacing language Aoff-site≡ to Aoffsite.≡ No other changes.
- Existing
61-105.X(2)(c) Revise existing A61-105.X(2)(c)≡, now renumbered to A61-105.Y(2)(c)≡, by deleting language A, or weight≡ for clarification.
- Existing
61-105.X(2)(g) Revise existing A61-105.X(2)(g)≡, now renumbered to A61-105.Y(2)(g)≡, by adding language A(as stated on manifest)≡ and also extending time line from Aten (10)≡ to Atwenty-one (21) days.≡
- Existing
61-105.X(3)(a) Revise existing A61-105.X(3)(a)≡, now renumbered to A61-105.Y(3)(a)≡, to revise existing language to clarify counting discrepancy of the waste.
- Existing
61-105.X(3)(b) Delete existing language no longer enforcing the weight requirements.
- Existing
61-105.X(3)(c) Revise existing A61-105.X(3)(c)≡, now renumbered to A61-105.Y(3)(b)≡ No other changes are made.
- Existing
61-105.X(3)(d) Revise existing A61-105.X(3)(d)≡, now renumbered to A61-105.Y(3)(c)≡. No other changes are made.
- Existing
61-105.X(5) Stylistic change. Revise existing A61-105.X(5)≡, now renumbered to A61-105.Y(5)≡, by replacing language Aoff-site≡ to Aoffsite≡ and replacing language Afifteen≡ to Afifteen (15)≡
- Existing
61-105.Y Renumber existing A61-105.Y≡ stylistically to A61-105.Z≡ Reporting For Permitted Treatment Facilities.
- Existing
61-105.Y(2)(a) Revise existing A61-105.Y(2)(a)≡, now renumbered to A61-105.Z(2)(a)≡, by deleting language Athe types≡ - language obsolete.
- Existing
61-105.Z Renumber existing A61-105.Z≡ stylistically to A61-105.AA.≡ Stylistic change to spelling of Record Keeping.

- Existing
61-105.Z(2) Revise existing A61-105.Z(2)≡, now renumbered to A61-105.AA(2)≡, Stylistic change only.
- Existing
61-105.AA Renumber existing A61-105.AA≡ stylistically to A61-105.BB≡ Enforcement.
- Existing
61-105.AA(2)(a) Revise existing A61-105AA(2)(a)≡, now renumbered to A61-105 BB(2)(a)≡, for stylistic grammatical change. Also, the term Aand≡ is changed to Aand/or.≡
- Existing
61-105.BB Renumber existing A61-105.BB≡ stylistically to A61-105.CC≡ Variances. No other changes.
- Existing
61-105.DD Renumber existing A61-105.DD≡ stylistically to A61-105.EE≡ Effective Date.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite members of the public and regulated community to attend a staff-conducted informational forum the on October 25, 1999, at 2:00 p.m. in room 1710, of the Stern Business Center located at 8901 Farrow Road, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-105. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control scheduled for December 9, 1999, as noticed below.

Also, interested persons are provided an opportunity to submit written comments to the forum by writing to Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax (803) 896-4002. Written comments must be received no later than 5:00 p.m. on October 25, 1999. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Board=s consideration at the hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment may be obtained by contacting Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 896-4173; Fax (803) 896-4002.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-105 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 9, 1999. The public hearing will be held in the Board Room of the Commissioner=s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department ten (10) days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, are asked to provide written comments of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-105 by writing to Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax (803) 896-4002. Written comments must be

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received no later than 5:00 p.m. on October 25, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on December 9, 1999, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing noticed above.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Phillip Morris, Manager, Infectious Waste Section, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Telephone number (803) 896-4173; Fax (803) 896-4002.

Preliminary Fiscal Impact Statement:

There will be minimal cost to the state and its political subdivisions. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose of Regulation: The purpose of this amendment is: (1) Language no longer valid will be deleted and the regulation will be updated pursuant to the ruling of the United States District Court on January 20, 1994, declaring that certain provisions of R.61-105 were unconstitutional; and (2) Infectious waste standards for generators, transporters, transfer stations and treatment facilities will be updated.

Legal Authority: The State primary infectious waste management regulations are authorized by S.C. Code Section 44-93-10 et. seq., Infectious Waste Management Act.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-105 upon approval of the General Assembly and publication in the *State Register*. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

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

On January 20, 1994, the United States District Court declared that certain provisions of R.61-105, Infectious Waste Management, were unconstitutional. The Department is proposing to revise R.61-105 to repeal language no longer valid.

Additionally, the regulation will be modified to reflect changes made by the federal government and new amendments to the Infectious Waste Management Act in the sections that apply to small quantity generators and treatment facilities. Minimal changes also will be made to sections that apply to generators and transporters. Treatment facilities will be required to meet new standards, such as, disinfecting and cleaning the cargo-carrying bodies of vehicles.

DETERMINATION OF COST AND BENEFITS: There will be minimal cost to the state, its political subdivisions, and to the regulated community with the implementation of the proposed regulations.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The amendments will promote public health by improving the management of infectious waste within the health care services community.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The State's Infectious Waste Management Regulations are believed to be beneficial to public health and the environment. There would be an adverse effect on the Department's ability to carry out its statutory mandate to ensure the proper management of infectious waste in a manner that is protective of public health and the environment.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No.2453
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-7-250 and 44-7-260(A)

R.61-93, Standards For Licensing Outpatient Facilities for Chemically Dependent or Addicted Persons

Preamble:

The Department proposes to amend R.61-93 to consolidate the standards for all of the alcohol and drug abuse treatment facilities which DHEC now licenses into one regulation, thereby establishing more appropriate, consistent treatment-related standards for facilities whose primary purpose is to treat chemically dependent or addicted persons. Alcohol and drug abuse treatment programs within existing hospitals will continue to be licensed under R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. This amendment will add and/or clarify requirements in regard to definitions/interpretations; clarify licensing change requirements; update licensing fee amounts; describe inspection reporting requirements; add reference to DHEC consultations; update and clarify classification of standards and enforcement action procedures; enhance quality improvement standards; clarify admission requirements; reword sections related to treatment, services, and care; reword sections regarding client record content and maintenance; update TB screening requirements; add reporting requirements; reword/clarify/enhance client rights requirements; reword sections regarding client record content and maintenance; enhance existing outpatient standards, to include narcotic treatment programs; and add a severability clause. The proposed amendment will rewrite the regulation in its entirety, to include a title change. See Discussion below and Statement of Need and Reasonableness herein.

A Notice of Drafting for this proposed amendment was published in the *State Register* on February 26, 1999.

Discussion of Proposed Revision:

TITLE: The title will be revised and will read AStandards For Licensing Facilities Which Treat Individuals for Psychoactive Substance Abuse or Dependence.≡

PART I is applicable to all Facilities.

SECTION 1 includes definitions, references, and licensing requirements.

SECTION 2 addresses methods used in enforcing regulations, *i.e.*, investigations, inspections, and consultations.

SECTION 3 references the types of enforcement actions which may be taken by DHEC, the classifications of violations, range of penalty amounts, and the appeal process.

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SECTION 4 includes requirements that the agency maintain policies and procedures that include descriptions of how the standards in this regulation will be achieved.

SECTION 5 addresses general staff requirements including staff training, qualifications, and numbers to comply with applicable federal, state, and local laws and in accordance with professional organizational standards; requirements that direct care staff have no prior conviction of child/adult abuse, neglect, or mistreatment; staff practices which promote the prevention of the spread of infectious, contagious disease, and TB testing, per CDC and DHEC TB Control requirements; and staff health status and specific requirements for counselors.

SECTION 6 provides reporting requirements to DHEC.

SECTION 7 addresses client record content and maintenance.

SECTION 8 provides requirements for care, treatment, and services to patients, the compliance with laws pertaining to patient care and treatment, treatment of minors, the referral process, use of safety precautions (restraints/seclusion).

SECTION 9 addresses client physical examination and tuberculin screening.

SECTION 10 includes medication management requirements, i.e., administration, storage.

SECTION 11 includes facility identification of client rights.

SECTION 12 addresses meal service.

SECTION 13 describes the requirements for infection control and environment, i.e., staff practices, housekeeping, infectious waste, pets, and clean/soiled linen and clothing .

SECTION 14 addresses facility maintenance.

SECTION 15 addresses emergency procedures/disaster preparedness.

SECTION 16 includes fire prevention, i.e., arrangements for fire department response/protection, tests and inspections, fire drills.

SECTION 17 provides a description of the essential elements of the quality improvement program.

SECTION 18 addresses design and construction.

SECTION 19 addresses general construction requirements.

SECTION 20 includes hazardous elements of construction.

SECTION 21 addresses fire protection equipment and systems.

SECTION 22 includes standards for exits.

SECTION 23 addresses water supply/hygiene.

SECTION 24 includes electrical requirements.

SECTION 25 includes mechanical requirements.

SECTION 26 addresses specifics for the physical plant, i.e., client rooms and floor area, bathrooms/restrooms, client care unit and station, doors, elevators, corridors, ramps, screens, telephone service, handrails/guardrails, landings, windows, janitor=s closet, storage areas, location, and outdoor area.

SECTION 27 adds a severability clause which indicates that if a court of competent jurisdiction determines that part of the regulation is invalid or otherwise unenforceable then the remainder of the regulation will not be affected and will still be in force.

SECTION 28 includes Ageneral≡ which refers to any conditions which have not been addressed in the regulation.

PART II contains standards applicable to outpatient facilities.

PART III is applicable to supportive rehabilitative environment facilities including facilities for mothers with children.

PART IV is applicable to residential treatment programs.

PART V is applicable to detoxification facilities including social and medical.

PART VI is applicable to narcotic treatment programs.

Notice of Staff Informational Forum:

The staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a Staff Informational Forum at 1:30 p.m. on October 27, 1999 in the Heritage Building second floor conference room, 1777 St. Julian Place, Columbia, S.C. The purpose of this forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed regulation. Comments received shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing scheduled pursuant to S.C. Code Section 1-23-110 and - 111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the forum by writing to Jerry L. Paul, Director, Health Licensing Section, DHEC, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments for the forum must be received no later than 4:00 p.m. on October 27, 1999.

Oral and written comments received during the forum comment period shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing on December 9, 1999, as noticed below. Comments received by the deadline date shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the Public Hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Jerry L. Paul at the above address.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a Public Hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 9, 1999. The Public Hearing will be held in the Board Room of the Commissioner=s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, 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 agenda is published by the Department ten days in

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advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

Interested persons may also submit written comments during the public comment period by writing to Mr. Jerry L. Paul, Director, Health Licensing Section, DHEC, 2600 Bull St., Columbia, S.C. 29201: Telephone number (803) 737-7370; Fax number (803) 737-7212. To be considered, written comments must be received before 4:00 p.m. on October 26, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for Public Hearing on December 9, 1999, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the Public Hearing noticed above.

Copies of the final proposed regulation for consideration at the Public Hearing before the DHEC Board may be obtained by contacting Jerry L. Paul at the above address.

Preliminary Fiscal Impact Statement:

No additional cost to the state and its political subdivisions is expected.

Statement of Need and Reasonableness

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

DESCRIPTION OF REGULATION: R.61-93, Standards For Licensing Outpatient Facilities for Chemically Dependent or Addicted Persons.

Purpose of Regulation Amendment: This amendment will consolidate the standards for all of the alcohol and drug abuse treatment facilities which DHEC now licenses into one regulation, thereby establishing more appropriate, consistent treatment-related standards for facilities whose primary purpose is to treat chemically dependent or addicted persons. Alcohol and drug abuse treatment programs within existing hospitals will continue to be licensed under R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries. This amendment will add and/or clarify requirements in regard to definitions/interpretations; clarify licensing change requirements; update licensing fee amounts; describe inspection reporting requirements; add reference to DHEC consultations; update and clarify classification of standards and enforcement action procedures; enhance quality improvement standards; clarify admission requirements; reword sections related to treatment, services, and care; reword sections regarding client record content and maintenance; update TB screening requirements; add reporting requirements; reword/clarify/enhance client rights requirements; reword sections regarding client record content and maintenance; enhance existing outpatient standards, to include narcotic treatment programs; and add a severability clause. The proposed amendment will rewrite the regulation in its entirety, to include a title change. See Determination of Need and Reasonableness below.

Legal Authority: The legal authority for R.61-93 is Section 44-7-250 and Section 44-7-260(A), South Carolina Code of Laws, 1976.

Plan for Implementation: The proposed amendment will take effect upon publication in the *State Register* following approval by the Board of Health and Environmental Control and the S.C. General Assembly. The proposed amendment will be implemented by providing the regulated community with copies of the regulation.

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

R.61-93 was last amended in 1988. S.C. Code Ann. Section 1-23-120 of the S.C. Administrative Procedures Act requires state agencies to perform a review of its regulations every five years and update them if necessary.

In addition, certain statutes (S.C. Code Section 44-7-210) were enacted since the last revision. This statute requires that AThe Department shall convene a study group to revise and propose licensure standards for methadone clinics.≡ The amendment also requires that new methadone facilities obtain a Certificate of Need, and that DHEC may not issue a CON for new methadone facilities until revised methadone standards are promulgated.

As a result of the review of this regulation, statutory mandates, and need to update and improve the overall quality of the regulation, the proposed amendment is needed and reasonable. The proposed amendment will clarify/add to the current regulation in a manner that will improve individual agency methods to provide quality care/treatment/service to patients. The proposed amendment will update the current regulation to include reference to laws (S.C. Code Section 44-7-210) that became effective subsequent to the last revision in 1988 and update definitions and other sections to the current regulation.

DETERMINATION OF COSTS AND BENEFITS: No additional cost to the state and its political subdivisions is expected. Although there will be an increase in licensing fees, costs to the regulated community will still be minimum.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment. The revision will promote public health by encouraging local solutions to local problems (more emphasis on facility policies and procedures/quality improvement).

DETRIMENTAL EFFECT ON THE ENVIRONMENT IF THE REGULATION AMENDMENT IS NOT IMPLEMENTED: There will be no adverse effect on the public health if the revision is not implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No.2458
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: S.C. Code Sections 44-1-140(11); 1-23-10; -110

R.61-37. Retail Food Establishment Inspection Fees

Preamble:

Fees for retail food establishment inspections were initiated in the mid-1980's to supplement state appropriations; the fees were never intended to replace appropriated funds. Fees were initially, and continue to be, incorporated into provisos to the state budget. These fees were set at an initial annual fee rate of \$60.00 per facility. They were increased to current levels (\$60.00, \$70.00, and \$ 80.00) in 1992 with the understanding that another fee increase would be needed in a few years. There have been no subsequent fee increases; nor have there been subsequent appropriations to this activity.

The number of retail food establishments in South Carolina have grown from approximately 11,000 establishments in 1987 to over 15,300 establishments in 1999. There has been no proportionate increase in staff during this same period. The United States Food & Drug Administration (FDA) recommends 150 facilities per inspector for a retail food inspection program; the South Carolina program far exceeds that number. In some counties, the number of facilities per inspector exceeds 210. *Regulation 61-25, Retail Food Establishments,*

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requires that each facility be inspected at least annually. The goal of the program is to provide 5 inspections per facility per year; at this time, the program average is slightly more than 3. Budget reductions, escalating operating costs, increased personnel costs, and increased demand for services have diminished the program's ability to continue to function at current levels. Additional funding is needed to continue operation of the program in an effective and efficient manner. Proposed R.61-37, *Retail Food Establishment Inspection Fees*, incorporates a fee increase proportional to gross sales in each facility. A Notice of Drafting was published in the *State Register* on May 28, 1999. See Statement of Need and Reasonableness herein.

Section-by-Section Discussion of Proposed R.61-37

Section I addresses the purpose of the regulation.

Section II provides definitions.

Section III provides for fees, payment of renewal fees and late payment penalties, and exemptions from fees.

Section IV provides compliance procedures for non-payment of fees.

Section V addresses designation of use of funds and includes an unconstitutionality clause.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on October 25, 1999, at 10:00 a.m. at Room 1625-1635 of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final staff proposal for R.61-37 for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for December 9, 1999, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the staff forum by writing to Mr. H. Michael Longshore, General Sanitation Branch, Division of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201. Written comments must be received by 4:00 p.m. on October 25, 1999. Comments received for the forum and comment period by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed regulation for public notice and comment may be obtained by contacting Mr. Longshore at the above address.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation for public comment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 9, 1999. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board's agenda will be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation for public comment by writing to Mr. H. Michael Longshore, General Sanitation Branch, Division of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201. Written

comments must be received no later than 4:00 p.m. on October 25, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on December 9, 1999, as noticed above. Comments received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Mr. Longshore at the above address.

Preliminary Fiscal Impact Statement:

The Department estimates there will be no new costs imposed in the State or its political subdivisions by this regulation. There will be an increase in fees paid by retail food establishments in accordance with the sliding scale indicated in the proposed regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Proposed R.61-37. Retail Food Establishment Inspection Fees

Purpose: The purpose of this action is to promulgate R.61-37 to place authorization of retail food establishment inspection fees in a regulation subject to the Administrative Procedures Act and public review and to incorporate a necessary fee increase into the regulation.

Authority: S.C. Code Sections 44-1-140(11); 1-23-10; -110

Plan for Implementing: Upon approval by the S.C. General Assembly and publication in the *State Register*, R.61-37 will be immediately implemented and the annual proviso to the state budget will be struck from the budget.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: Retail food establishment inspection fees should be in a regulation subject to the Administrative Procedures Act and public review rather than in a proviso to the state budget. This will provide opportunity for public comment and input into the regulation.

DETERMINATION OF COSTS AND BENEFITS

Cost: There will be no fiscal or economic impact on the State or its political subdivisions. There will be an increase proportional to gross sales for each retail food establishment.

Benefit: The public will have an opportunity for input into R. 61-37. The program will be able to continue service to the state's citizens in a timely, effective and efficient manner. The public's health and environment will be protected by the continued vigilance of regulatory oversight of this program.

UNCERTAINTIES OF ESTIMATES:

Regulation 61-37 will not create a burden for the public, the State, and its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The public's health and environment will be protected by the continued vigilance of regulatory oversight of retail food sales and service.

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DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be possible detrimental effect on the environment and public health because the program will not have the resources to continue regulatory oversight of the retail food industry that is a vital part of the state's tourism industry and economy.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No.2457

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Sections 44-1-140(11); 1-23-10; -110

R.61-55. Septic Tank Site Evaluation Fees

Preamble:

Fees for septic tank site evaluations were initiated in the mid-1980's to supplement state appropriations; the fees were never intended to replace appropriated funds. These fees were set at an initial fee rate of \$40.00 per applicant; they were increased to \$60.00 per applicant in 1987. There have been no subsequent fee increases; nor have there been subsequent appropriations to this activity. Fees were initially, and continue to be, incorporated into provisions to the state budget.

Septic tank permits issued have increased from an annual average of 18,000 in 1987 to more than 29,500 in FY1999. There has been no increase in staff during this same period. While response times for septic tank permit applications fluctuate throughout the year, the average response time has increased three-fold during this same period. Budget reductions, escalating operating costs, increased personnel costs, and increased demand for services have diminished the program's ability to continue to function at current levels. Additional funding is needed to continue operation of the program in a timely, effective, and efficient manner. Proposed R.61-55, *Septic Tank Site Evaluation Fees*, incorporates a fee increase from \$60.00 to \$150.00. A Notice of Drafting was published in the *State Register* on May 28, 1999. See Statement of Need and Reasonableness herein.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on October 25, 1999, at 10:00 a.m. at Room 1625-1635 of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final staff proposal for R.61-55 for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for December 9, 1999, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the staff forum by writing to Mr. H. Michael Longshore, General Sanitation Branch, Division of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201. Written comments must be received by 4:00 p.m. on October 25, 1999. Comments received for the forum and comment period by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the text of the proposed regulation may be obtained by contacting Mr. Longshore at the above address.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 9, 1999. The public hearing will be held in the Board Room of the Commissioner=s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Board=s agenda will be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation for public comment by writing to Mr. H. Michael Longshore, General Sanitation Branch, Division of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. on October 25, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed repeal for public hearing on December 9, 1999, as noticed above. Comments received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board=s consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Mr. Longshore at the above address.

Preliminary Fiscal Impact Statement:

The Department estimates there will be no new costs imposed on the State or its political subdivisions by this regulation. There will be an increase from \$60 per applicant to \$150 per applicant for site evaluations.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Proposed R.61-55, Septic Tank Site Evaluation Fees

Purpose: The purpose of this action is to promulgate R.61-55 to place authorization of septic tank site evaluation fees in a regulation subject to the Administrative Procedures Act and public review and to incorporate a necessary fee increase into the regulation.

Authority: S.C. Code Sections 44-1-140(11); 1-23-10; -110

Plan for Implementing: Upon approval by the S.C. General Assembly and publication in the *State Register*, R.61-55 will be immediately implemented and the annual proviso to the state budget will be struck from the budget.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION REPEAL BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: Septic tank site evaluation fees should be

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in a regulation subject to the Administrative Procedures Act and public review rather than in a proviso to the state budget. This will provide opportunity for public comment and input into the regulation.

DETERMINATION OF COSTS AND BENEFITS

Cost: There will be no fiscal or economic impact on the State or its political subdivisions. There will be an increase from \$60 per applicant to \$150 per applicant for site evaluations.

Benefit: The public will have an opportunity for input into R. 61-55. The program will be able to continue service to the state=s citizens in a timely, effective and efficient manner. The public=s health and environment will be protected by the continued vigilance of regulatory oversight of this program.

UNCERTAINTIES OF ESTIMATES:

Regulation 61-55 will not create a burden for the public, the State, and its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The public=s health and environment will be protected by the continued vigilance of regulatory oversight of septic tank permits and installations.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be possible detrimental effect on the environment and public health because the program will not have the resources to continue regulatory oversight of septic tank permits and installations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2459

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Section 57-25-170

63-338 Specific Information Service Signing

Preamble:

The Department proposes to amend 63-338 to allow trailblazer signs for businesses participating in the Logo programs which are not easily accessed from the main traveled way; to modify the criteria for food businesses to participate in the Logo Program; to allow six businesses to be displayed on a service panel for one direction of a double interchange sign if less than three businesses are present to participate from the other direction; and to provide for Attraction Signing.

Notice of Drafting for the proposed amendment was published in the State Register on August 27, 1999.

Section-by-Section Discussion:

SECTION CITATION:

EXPLANATION OF CHANGE:

63-338 C(5)

Definition of Trailblazer Panel added. These panels will be used to direct motorists to a particular service which is not located on the main route or which is not easily accessed.

- 63-338C(6) Definition of Business amended to include reference to attractions.
- 63-338 D(4) Provides for combination panels that display up to three specific services
- 63-338 D(5) Provides for an increase of up to nine business signs on a specific service panel upon approval by the Federal Highway Administration.
- 63-338 D(3)(11)(12) Amended to provide for attraction panels
- 63-338 E(3) Amended to allow participation by food businesses open at least six days per week and twelve hours per day and to provide that panel must include legend showing any day the business is closed.
- 63-338 (G) New section added to provide for trailblazer panels to direct motorists to businesses where additional guidance is needed.
- 63-338 (I)(1)(e) New section added to provide for attraction panels
- 63-338 Throughout the proposed regulation numerous changes are proposed for clarity. Also this section has been amended throughout to include references to trailblazer panels and attractions panels. The standards for a double interchange have been amended and all reference affected by that change have been amended.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws, as amended, such a hearing will be conducted at 955 Park Street, Columbia, SC, on October 25, 1999. Written comments or requests for a hearing may be directed to Deborah Brooks Durden, Governmental Liaison, PO Box 191, Columbia, SC 29202. To be considered, comments should be received no later than October 24, 1999.

Preliminary Fiscal Impact Statement:

The Department of Transportation estimates that there will be no additional costs incurred by the State or its political subdivisions in complying with the proposed amendments.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 63-338. Specific Information Service Signing.

Purpose: Set Standards for the placement of devices which give specific information in the interests of the traveling public regarding gas, food, lodging, and camping and attraction services.

Legal Authority: The legal authority for Regulation 63-338 is Section 57-25-170, 1976 S.C. Code of Laws.

Plan for Implementation: The proposed 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:

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The proposed amendments will benefit the public by allowing more businesses to participate in the Specific Information Service Signing program. Also, businesses participating in this program which the Department determines is difficult to locate will be allowed directional signs.

DETERMINATION OF COSTS AND BENEFITS: There will be no costs imposed by these changes to the State. Costs will be incurred by qualifying businesses which agree to participate.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH: None.

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.lpitr.state.sc.us. If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Filed: August 24, 1999, 4:45 pm

Document No. 2449
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY

CHAPTER 99

Statutory Authority: 1976 Code Section 40-43-82

Emergency Situation:

The Board of Pharmacy has determined that special provisions are needed for the registration of volunteers working as pharmacy technicians in free medical clinics. Because of the charitable nature of the services provided to the citizens of the State at free medical clinics and the voluntary participation of certain persons in support of those services, the Board will waive the registration fee for pharmacy technicians working in free medical clinics and provide an on-site registration procedure that will eliminate the department's normal administrative costs of registration. It is imperative that the adoption of the new regulation as an acceptable method of registration be implemented as soon as possible in order to facilitate compliance with new requirements for the registration of pharmacy technicians and to allow applicants to be registered to perform pharmacy functions as pharmacy technicians in those special settings that provide medical services to the public at free medical clinics in this State.

Text:

99-44. Registration and Waiver of Fee for Pharmacy Technicians in Free Medical Clinics.

An individual who works as an unpaid volunteer under the personal supervision of a licensed pharmacist or who handles legend drugs in a pharmacy department of a free medical clinic staffed by a licensed pharmacist may be registered as a pharmacy technician and perform pharmacy functions as a pharmacy technician without payment of the registration fee or filing with the Board, provided that a register is maintained in the pharmacy department of the free medical clinic bearing the name of every such volunteer performing pharmacy functions as a pharmacy technician and documenting each volunteer's period of service. This special registration shall be valid only in the free medical clinic. The register must be kept in a readily available manner for inspection by representatives of the Board. The register must be kept for a period of three years. For the purpose of this section, free medical clinic means a permitted facility that provides medical services, including the dispensing of legend drugs and other medications, free of any charge to members of the public.

Statement of Need and Reasonableness: The need to immediately establish these special requirements for registration in this State is imperative in order to prevent a disruption in the provision of medical services to the public at free medical clinics in this State.

DESCRIPTION OF REGULATION: A new regulation is adopted as Regulation 99-44.

Purpose: The adoption of the new regulation will establish special requirements for registration in this State in order to facilitate compliance with new requirements for the registration of pharmacy technicians and to allow applicants to be registered to perform pharmacy functions as pharmacy technicians in those special settings that provide medical services to the public at free medical clinics in this State.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 43, Section 82.

Plan for Implementation: Administratively, the Board will see that the new regulation is implemented by informing pharmacists, permit holders and technicians through written communications, newsletters and the Internet. The Board will also see that the regulation is enforced through inspections and audits.

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DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The need to immediately establish the special requirements for registration in this State is imperative in order to prevent a disruption in the provision of medical services to the public at free medical clinics in this State.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional costs incurred by the State or any political subdivision. The expected benefit is the elimination of cost for the agency to register this special class of pharmacy technicians who work as volunteers at free medical clinics in this State.

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

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

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

Filed: August 31, 1999, 10:20 am

Document No. 2450
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to add additional WMA's. Because hunting season starts September 1 in these units, it is necessary to file these regulations as emergency so they take effect immediately.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2(D) Game Zone 4 - Central Piedmont Hunt Unit

Draper WMA

Horseback riding is prohibited on Draper WMA.

Small Game

Quail	Designated days or periods within Game Zone 4 seasons	10 per day
Rabbit	Designated days or periods within Game Zone 4 seasons	5 per day
Other Small Game (No fox squirrels)	Game Zone 4 seasons	Game Zone 4 limits

1.2(G) Francis Marion National Forest

Wambaw WMA

Deer

Tibwin Special Use Area is closed to hunting except for special hunts designated by the SCDNR.

1.2(H) Moultrie

Deer

Total of 5 deer for all gun hunts.

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Adults will be allowed to carry a weapon and hunt.

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

Greenfield WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.

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Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.
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Hall WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.
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North Dike WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
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Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.
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Porcher WMA

Deer

Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days
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as prescribed by the Dept.

Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

1.2(Q) Aiken Gopher Tortoise WMA

During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic. All reptiles and amphibians are protected. No turtles, tortoises, snakes, frogs, toads, salamanders, etc. can be captured, removed, killed or harassed.

Deer Hunts (No dogs)		Total 3 deer Not to include more than 2 bucks.
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game	Designated days or periods within Game Zone 3 seasons. No Fox Squirrels.	Game Zone 3 bag limits.

1.2(R) Santee Coastal Reserve

Deer Hunts (No dogs)		Total 3 deer per hunt period. Not to include more than 1 buck.
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days

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		as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	1 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game	Designated days or periods within Game Zone 6 seasons. No Fox Squirrels.	Game Zone 6 bag limits.
Raccoon/Opossum	Designated days or periods within Game Zone 6 seasons.	Game Zone 6 bag limits.

1.2 (BB) Great Pee Dee River WMA

Feral Hogs Rifle Only, No dogs	Special hunts as announced.	Limit as announced.
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1.2(PP) Dungannon WMA

Deer Hunts (No dogs)		Total 5 deer
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels)	Designated days or periods within Game Zone 6 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 6 bag limits.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or Pyrodex only as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolvers, pistols or revolving rifles are permitted. Only a person with an **upper limb handicap*** may use a crossbow to hunt deer or turkey, provided the person, while hunting, has in their immediate possession a medical doctor's written statement certifying the extent of the disability. The statement, based on a physical exam by the certifying doctor shall describe the physical disability and shall state the person is not capable of operating a longbow, recurve bow or compound bow. The permanent physical disability must prohibit the person from holding the mass weight of a conventional bow and arrow at arm's length perpendicular to the body, or drawing or pulling the bow string of a conventional bow or compound bow of a minimum draw weight of 40 pounds thus preventing that person from hunting with conventional archery equipment. ***Upper limb handicapped person is**

a person that has a permanent and at least 80% impairment or loss of the use of fingers, hand, or arm as determined by a physician using the standards outlined in the "Guide to Evaluation of Permanent Impairment Rating," published by the American Medical Association or missing one hand or arm in a manner that renders the person incapable of using a bow or other conventional archery equipment.

3.3 On WMA lands and all lands within the Central Piedmont, Western Piedmont and Mountain Hunt Units, big game hunters are not allowed to possess or use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Waccamaw River Heritage Preserve, Francis Marion, and Moultrie WMA lands.

3.4 On all WMA lands, during anytime when hunting is not permitted, all weapons must be unloaded and secured in a weapons case, or in the trunk of a vehicle, or in a locked toolbox. During periods when hunting is permitted weapons transported in vehicles must be unloaded, except on the Francis Marion Hunt Unit during deer hunts with dogs, loaded weapons may be transported in vehicles. Any shotgun, centerfire or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

10.13 Islands in Monticello Reservoir are closed to public access during the period April 1 through May 15. Camping is allowed on designated islands except during the period closed to access. Monticello Sub-impoundment is closed to hunting.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Turtle Island, Little Pee Dee River Complex(including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Samson Island Unit (Bear Island), Tyger River and Tibwin Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

CATEGORY II WATERFOWL MANAGEMENT AREAS

Dungannon	Wednesdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Enoree River	Saturdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits