

SOUTH CAROLINA STATE REGISTER DISCLAIMER

While every attempt has been made to ensure the accuracy of this State Register, the Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that the Legislative Council disclaims any liability for any damages in connection with its use. This information is not intended for commercial use and its dissemination by sale or other commercial transfer is not authorized, absent a written licensing agreement with the Legislative Council. For further information contact the Legislative Council at 803-734-2145.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR
LYNN P. BARTLETT, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 734-2145

Published October 27, 2000

Volume 24 Issue No.10

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.

2000 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. 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. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 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.

X-----X-----X

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 _____

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates1

GOVERNOR’S EXECUTIVE ORDERS

No. 2000-27 Extradition of Fugitives2
 No. 2000-28 Flags Flown Half-Staff as a Mark of Respect for Military Personnel Who Died on the United States COLE.....2

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Certification of Need3
 Hot Mix Asphalt Plants.....5
 Standards for Licensing Outpatient Facilities for Chemically Dependent or Addicted Persons6
 Underground Storage Tank Site Rehabilitation Contractors6

NOTICES OF DRAFTING REGULATIONS

CLEMSON UNIVERSITY

Parking and Traffic8

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan.....8
 Hazardous Waste Management.....9

HIGHER EDUCATION, COMMISSION ON

Palmetto Fellows Scholarship Program9
 Need Based Grants Program.....10

INSURANCE, DEPARTMENT OF

Long Term Care10
 Medicare Supplement Insurance.....11

PUBLIC SERVICE COMMISSION

Definition of a Limousine11

TABLE OF CONTENTS

PROPOSED REGULATIONS

CLEMSON UNIVERSITY

Document No. 2557	Meat Inspection Regulations	12
Document No. 2556	Poultry Regulations.....	13

EDUCATION, STATE DEPARTMENT OF

Document No. 2564	Accreditation Criteria	14
Document No. 2565	Computing the Experience of Teachers	15
Document No. 2566	Graduation Requirements	17
Document No. 2571	Other Experience Acceptable for Credit.....	18
Document No. 2558	Principal Evaluation Program.....	19
Document No. 2567	Requirements for Additional Areas of Certification.....	21
Document No. 2559	Star Diploma.....	24
Document No. 2570	Student Teachers.....	25
Document No. 2568	Teaching Experience Acceptable for Credit.....	26
Document No. 2560	Testing	28
Document No. 2569	Types and Levels of Credential Classification	30

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 2572	Water Classifications and Standards.....	32
-------------------	--	----

HIGHER EDUCATION, COMMISSION ON

Document No. 2585	Performance Standards and Funding and the Reduction, Expansion, Consolidation or Closure of an Institution.....	48
-------------------	--	----

INSURANCE, DEPARTMENT OF

Document No. 2584	External Reviews of Adverse Determinations by Health Carriers.....	51
Document No. 2583	Reinsurance Facility Recoupment	51
Document No. 2582	Captive Insurance Companies.....	52
Document No. 2581	Adjustment of Claims Under Unusual Circumstances	53
Document No. 2580	Service Contracts	54

LABOR, LICENSE AND REGULATION, DEPARTMENT OF

Board of Accountancy

Document No. 2575	Definitions of Firm and Licensee; Definition of Holding Out; Firms Jointly Owned; Experience Required; Other Responsibilities and Practices.....	54
-------------------	---	----

Board of Architectural Examiners

Document No. 2576	Continuing Education	56
-------------------	----------------------------	----

Auctioneers' Commission

Document No. 2574	Examination, Licenses, Apprenticeships, Advertising, and Professional Standards.....	58
-------------------	---	----

Nursing, Board of

Document No. 2577	Nurse Practitioner with Prescriptive Authority.....	60
Document No. 2578	Official Identification	61

Real Estate Appraisers Board

Document No. 2579	Mass Appraiser Qualifications and Licensure	63
-------------------	---	----

TABLE OF CONTENTS

REVENUE, DEPARTMENT OF

Document No. 2561 Definition of Facility for Purpose of Chapter 37 of Title 12 66
Document No. 2562 Definition of Facility for Purpose of Chapter 36 of Title 12 68
Document No. 2563 Definition of Facility for Purpose of Chapter 6 of Title 12 70

SOCIAL SERVICES, DEPARTMENT OF

Document No. 2573 General Food Stamp Program..... 72

EMERGENCY REGULATIONS

LABOR, LICENSING AND REGULATION

Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists

Document No. 2555 Licensure..... 74

Residential Builders Commission

Document No. 2554 Fees 79

FINAL REGULATIONS

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 2535 South Carolina Designated Facility Plan and New Source Performance Standards..... 82
Document No. 2540 WIC Vendors 108

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC NO.	RAT NO.	FINAL SR	SUBJECT	EXP. DATE	AGENCY
1981			Policy Development	1 12 01	Board of Education
1984			Principal Evaluation	1 12 01	Board of Education
2360			LIFE Scholarship	1 19 01	Commission on Higher Education
2481			School Transportation	1 24 01	Board of Education
2504			Environmental Protection Fees	1 27 01	Health and Environmental Control
2457			Septic Tank Site Evaluation Fees	1 28 01	Dept Health and Envir Control
2502			Public Pupil Transportation Services	2 04 01	Board of Education
2485			(Repeal) Credit and Discount Plans	2 20 01	Dept of Insurance
2487			(Repeal) Merit Rating Plan	2 20 01	Dept of Insurance
2486			(Repeal) Refusal to Write, Cancellation	2 20 01	Dept of Insurance
2511			Hunt Units and WMA's	2 20 01	Dept Natural Resources
2503			Optional State Supplementation Prog	2 27 01	Health and Human Services
2507			Repayment	3 06 01	Higher Education, Student Loan Corp
2514			LIFE, Palmetto Fellows Sch Appeals	3 12 01	Commission on Higher Education
2521			(Repeal) Loan Eligibility Requirements	3 24 01	Jobs-Economic Development Authority
2497			Quarantine of Garbage Fed Swine	4 22 01	Clemson University
2496			Brucellosis Testing	4 22-01	Clemson University
2530			Waste Disp Sites, Landfill Design, Const	5 09 01	Dept of Health and Envir Control

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 "Single Place" ...	Dept of Revenue
2433	2 23 00	Hearing Aids; Augmen Comm Devices	LLR: Speech-Language Path & Audio
2469	2 23 00	Volunteer Pharm Tech Free Med Clinics	LLR: Board of Pharmacy

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

DOC NO.	DATE	SUBJECT	AGENCY
---------	------	---------	--------

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
---------	------	---------	--------

2 EXECUTIVE ORDERS

No. 2000-27

WHEREAS, the Governor of South Carolina is vested with the authority to determine pursuant to the United States Constitution Article IV, §2, S.C. Code Ann. §§17-9-10, et seq., and the common law, whether or not to extradite a fugitive from justice; and

WHEREAS, pursuant to such laws the Governor can determine procedures to be followed in extradition matters; and

WHEREAS, the State of Florida, pursuant to its statutory law, §941.06, Extradition of persons not present in demanding state at time of commission of crime, has adopted extradition provisions that would allow South Carolina to extradite persons in Florida that have committed an act in Florida that intentionally resulted in a crime in South Carolina.

NOW THEREFORE, I, Jim Hodges, as Governor of South Carolina, direct by this Order that pursuant to the principles of comity and full faith and credit in the United States Constitution, the State of South Carolina for the reasons as stated above, does recognize that any person committing an act in this State, intentionally resulting in a crime in the State of Florida, whose executive authority is making the demand, shall be subject to the extradition laws of the State of South Carolina, and the Governor of this State may surrender, on demand of the executive authority, any person so charged.

This Order takes effect immediately upon signature.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF
OCTOBER, 2000.**

JIM HODGES
Governor

No. 2000-28

WHEREAS, the President of the United States of America has issued a Proclamation ordering that the flag of the United States shall be flown at half-staff upon all public buildings and grounds throughout the United States and its Territories and possessions until sunset, Monday, October 16, 2000, as mark of respect for those military personnel who died on the United States Ship COLE; and

WHEREAS, the State of South Carolina mourns the deaths of those military personnel who died in the line of duty protecting the interests of Americans throughout the world.

NOW, THEREFORE, I hereby order, pursuant to the Proclamation of the President of the United States of America, and by the authority vested in me as Governor of the State of South Carolina under the Constitution and laws of this State, that the flags of the United States and the State of South Carolina shall be flown at half-staff upon all state buildings and grounds until sunset, Monday, October 16, 2000. I further request that all political subdivisions of the State of South Carolina and all of its citizens also fly these flags at half-staff as a mark of respect for those military personnel who died on the United States Ship COLE.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 13th DAY OF
OCTOBER, 2000.**

JIM HODGES
Governor

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 October 27, 2000, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Florence County

Renovation of leased space within the existing facility for the addition of forty-one (41) residential treatment beds for a total of fifty-nine (59) residential treatment beds for children and adolescents. Palmetto Pee Dee Behavioral Health, LLC
 Florence, South Carolina
 Project Cost: \$ 1,105,166

Affecting Greenville County

Renovation for the transfer of twenty-eight (28) nursing home beds from Greenville Memorial to North Greenville Hospital and the transfer of five (5) acute care beds from North Greenville to Greenville Memorial resulting in twenty-eight (28) nursing home beds and 0 acute care beds at North Greenville; Greenville Memorial will have six hundred and forty-six (646) acute care beds, twenty (20) nursing home beds, seventy-two (72) psychiatric beds, and fifty-three (53) rehabilitation beds.
 Greenville Hospital System
 Greenville, South Carolina
 Project Cost: \$ 830,820

Development of Magnetic Resonance Imaging (MRI) and Computed Tomographic (CT) services as part of a diagnostic imaging center.
 HealthSouth Diagnostic Center of Simpsonville
 Simpsonville, South Carolina
 Project Cost: \$ 4,380,210

Affecting Spartanburg County

Renovation for the addition of a third Magnetic Resonance Imaging (MRI) system.
 Spartanburg Regional Medical Center
 Spartanburg, South Carolina
 Project Cost: \$ 2,328,088

Affecting Oconee County

Establishment of an ambulatory surgery center with two (2) operating rooms for pain management and related surgical procedures.
 Blue Ridge Medical Specialties, P.A. d/b/a Upstate Pain Management and Surgery Center
 Seneca, South Carolina
 Project Cost: \$ 1,272,000

Affecting Richland County

4 NOTICES

Transfer of 40 existing RTF beds and the addition of 8 RTF beds from the S.C. Department of Mental Health to Justice Resource Institute, Inc. for a total of 48 Residential Treatment Facility (RTF) beds for children and adolescents.

Southbridge Center
Columbia, South Carolina
Project Cost: \$ 247,596

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 October 27, 2000. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 737-7200.

Affecting Beaufort County

Conversion of 14 nursing home beds to 14 rehabilitation beds and de-licensure of 12 nursing home beds for a total of 18 nursing home beds, 14 rehabilitation beds, 20 psychiatric beds, and 106 acute care beds.

Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$ 435,000

Renovation of existing space for the addition of a fixed MRI service.

Hilton Head Medical Center and Clinics
Hilton Head Island, South Carolina
Project Cost: \$ 2,124,999

Affecting Charleston County

Constructon of a restricted nine (9) nursing home bed addition. The project will result in fifty-three (53) community beds and nine (9) restricted nursing home beds for a total of sixty-two (62) nursing home beds.

Bishop Gadsden Episcopal Health Care Center
Charleston, South Carolina
Project Cost: \$ 1,106,410

Affecting Charleston County

Replacement of the existing GE CT Hilight advantage scanner with a GE LIGHTSpeed OX/i scanner.

Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: \$ 1,049,688

Replacement of existing inpatient Magnetic Resonance Imaging (MRI) unit with a 1.5T GE Signa CV/i Scanner.

Trident Medical Center
Charleston, South Carolina
Project Cost: \$ 2,340,168

Affecting Greenville County

Addition of a third Computed Tomography (CT) Scanner.

Greenville Memorial Hospital
Greenville, South Carolina

Project Cost: \$ 1,617,238

Renovation for the addition of a third fixed MRI scanner.
Greenville Memorial Hospital
Greenville, South Carolina
Project Cost: \$ 2,905,430

Affecting Oconee County

Establishment of an ambulatory surgery center with two (2) operating rooms for pain management and related surgical procedures.

Blue Ridge Medical Specialties, P.A. d/b/a Upstate Pain Management and Surgery Center
Seneca, South Carolina
Project Cost: \$ 1,272,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Public Notice #00-135-GP-N

October 27, 2000

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) "Hot 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.

6 NOTICES

Greenwood County

Satterfield Construction Company, Inc.
1903 Highway 246 North
Greenwood, South Carolina

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF RESCHEDULING OF PUBLIC HEARING

Doc. No. 2531, Proposed Amendment of R.61-93,
*Standards for Licensing Outpatient Facilities for
Chemically Dependent or Addicted Persons*

The Department of Health and Environmental Control issued a Notice of Proposed Regulation for amendment of R.61-93, *Standards for Licensing Outpatient Facilities for Chemically Dependent or Addicted Persons*, in the June 23, 2000, issue of the State Register, identified as Document No. 2531. The Notice scheduled a Staff Informational Forum that was held on August 2, 2000, a write-in public comment period that closed August 2, 2000, and a public hearing before the Department's Board on September 14, 2000. The public hearing was later rescheduled to October 12, 2000, as published in the State Register on August 25, 2000. Due to time needed in which to consider all comments received, the public hearing scheduled for October 12, 2000, is being postponed to November 9, 2000. All public comments received through August 2, 2000, shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

The public hearing to be conducted by the Board of Health and Environmental Control for this proposed amendment will be held at the regularly-scheduled meeting of the Board on November 9, 2000, in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull St., Columbia, 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 hearing will be noticed in the Board's agenda to be published by the Department ten (10) days in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the amendment of R.61-93.

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 November 27, 2000, to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management

Attn: Chris Doll
2600 Bull Street
Columbia, SC 29201

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

Class I

CRB Geological & Environmental Services
Environmental International Corporation
General Physics Corporation
Geoscience Group, Inc.
Professional Service Industries, Inc.

Class II

CRB Geological & Environmental Services
Environmental International Corporation
General Physics Corporation
Geoscience Group, Inc.
Professional Service Industries, Inc.

8 DRAFTING

CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: 1976 Code Section 46-21-620

Notice of Drafting:

Clemson University proposes to amend its regulations concerning parking and traffic regulations specifically with respect to the parking of vehicles displaying handicapped decals or licenses and the operation of motorcycles, scooters, and mopeds, and the operation of non-motorized vehicles. Interested persons may submit comments regarding parking to Larry J. Granger, Director of Parking Services, G-01 University Union, Clemson, SC 29634 and regarding non-motorized vehicles to Chief Lonnie Saxon, Clemson University Police Department, Centennial Boulevard, Clemson, SC 29634. To be considered, comments must be received no later than 5:00 P.M., on November 30, 2000, the close of the drafting comment period.

Synopsis:

The parking regulations are to be generally up-dated, specifically with regards to use of handicapped parking and the operation of scooters, motorcycles, and mopeds. The non-motorized vehicle regulation change will correct an erroneous paragraph.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend *Regulation 61-62, Air Pollution Control Regulations and Standards*, and the *South Carolina Air Quality Implementation Plan*, also known as the State Implementation Plan, or SIP. Interested persons are invited to present their views in writing to Dennis Camit; Division of Air Planning, Development and Outreach; Bureau of Air Quality; 2600 Bull Street; Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Monday, November 27, 2000, the close of the comment period.

Synopsis:

On May 23, 1994, the United States Environmental Protection Agency (USEPA) issued a SIP Call pursuant to Section 110(k)(5) of the Clean Air Act, as amended in 1990 (CAA), requiring South Carolina to revise the SIP on the basis that it is inadequate to comply with the requirements of sections 110(a)(2)(A), (C) and (F), 113(a) and (e) and 114(a)(3) of the CAA. The USEPA believes that the existing *South Carolina Air Quality Implementation Plan* may be interpreted to limit the types of testing or monitoring data that may be used for determining compliance and establishing violations.

On February 24, 1997, the USEPA promulgated a final rule in the *Federal Register*, "Credible Evidence Revisions" (62 FR 8314), to clarify statutory authority whereby various kinds of information already available and utilized for other purposes may be used to demonstrate compliance or noncompliance with emission standards. This regulation eliminates any potential ambiguity regarding language that has been interpreted to provide for exclusive reliance on reference test methods as the means of certifying compliance with various emission limits under the Clean Air Act.

The Department of Health and Environmental Control proposes to amend *Regulation 61-62, Air Pollution Control Regulations and Standards*, and the *South Carolina Air Quality Implementation Plan* to correct the deficiencies noted. This action is to conform to Federal requirements, and the amendments will not require legislative review.

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

Statutory Authority: 1976 Code Sections 44-56-10 et seq.,
48-1-20 et sq.; and 1-23-10 et seq.

R. 61-79 HAZARDOUS WASTE MANAGEMENT REGULATIONS**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons may submit their views in writing to John Litton, Director of Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than close of business November 27, 2000.

Synopsis:

The Department is proposing to amend R.61-79 to remove State provisions which are not required for federal compliance and which provide financial assurance for restoration of environmental impairment. Removal of these provisions is proposed as a result of an April 4, 2000, decision of the South Carolina Court of Appeals whereas it was determined that the environmental impairment regulations which are the subject of this Notice of Drafting have not been properly promulgated. This amendment will remove the environmental impairment regulations which were published as proposed in the State Register on June 24, 1994, and published as final regulations in the State Register on June 23, 1995 as Document No. 1823. Affected sections are R.61-79.264 and .265, subsections .152, and .153 and cross references at 264.140 and 265.140. Legislative review of this proposed amendment will be required.

COMMISSION ON HIGHER EDUCATION**CHAPTER 62**

Statutory Authority: Title 59 1976 Code Sections 104-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to revise existing regulations for the Palmetto Fellows Scholarship Program established under Chapter 104-20 Title 59 Act No. 458. Interested persons should submit their views in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201.

Synopsis:

In accordance with Section 59-104-20 of the 1976 Code, revisions of the existing regulations for the Palmetto Fellows Scholarship Program are being considered to add the requirement that a Palmetto Fellow cannot have any felonies, alcohol or drug related offenses. Additionally, these regulations also address adding sections for students with disabilities and enrollment in first professional degree programs. The 1999 General Assembly approved legislation for a required Uniform Grading Scale, these regulations address adding language regarding the Uniform Grading Scale. Regulations include allocation of scholarship funds to public and independent institutions; program definitions; student eligibility; student application and selection processes; policies and procedures for awarding scholarships; duration and renewability of awards; transfer of scholarship awards; students with disabilities; enrollment in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs; enrollment in first professional degree programs; appeals procedures; institutional

10 DRAFTING

disbursement of scholarship awards; award notification; refund and withdrawal procedures; institutional eligibility; program administration and audits; and suspension or termination of institutional participation.

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: Title 59 1976 Code Sections 142-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to revise existing regulations for the South Carolina Need-Based Grants Program established under Chapter 142-20 Title 59 Act No. 458. Interested persons should submit their views in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201.

Synopsis:

In accordance with Section 59-142-20, revisions of the existing regulations for the South Carolina Need-Based Grants Program are being considered to revise the requirement that a Need-Based Grant recipient cannot have a criminal record to requiring that the grant recipient not have any felonies, alcohol or drug related offenses. These regulations also address adding sections for students with disabilities and enrollment in first professional degree programs. Regulations include Need-based Grant allocations: institutional eligibility; program definitions for administering South Carolina Need-based Grants at public institutions; student eligibility; withdrawal, suspension, or dropping below part-time or full-time status; policies and procedures for awarding Need-based Grants; duration of award and continued eligibility; students with disabilities; enrollment in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs; enrollment in first professional degree programs; institutional procedures for award notification; Need-based Grant disbursements; program oversight for Need-based Grants; and suspension or termination or institutional participation.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2); 38-72-40;

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-44, Long Term Care. Interested persons should submit their views in writing to: Mr. David E. Belton, Senior Associate General Counsel, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than November 28, 2000, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to amend by rewriting Regulation 69-44, Long Term Care. The proposed language eliminates initial loss ratio minimums, requires dual loss ratio minimum to be satisfied before rate increases will be considered, and further empowers the director to impose various penalty measures depending upon the frequency and magnitude of rate increases. Consumer protection amendments to the Long Term Regulation have been added, i.e., the amendments focus primarily on disclosures to consumers regarding potential

future rate increases for policies other than noncancellable policies. The last two amendments involve an insertion of Incontestability and Nonforfeiture policy provisions.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2); 38-61-20; 38-61-40

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-46, Medicare Supplement Insurance. Interested persons should submit their views in writing to: David E. Belton, Senior Associate, General Counsel, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than November 28, 2000, the close of the drafting comment period.

Synopsis:

The South Carolina Department of Insurance proposes to amend by rewriting Regulation 69-46, Medicare Supplement Insurance. The proposed amendments are being promulgated to conform this Regulation with the requirements of the Federal Balanced Budget Refinement Act of 1999 and the Federal Ticket to Work Incentive Improvement Act of 1999. These changes include technical corrections made to bring the Department's current regulation into compliance with federal law.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: S.C. Code Ann. Sections 58-3-140 (Supp. 1999)
and 58-23-1010 (Supp. 1999)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to amend 26 S.C. Code Ann. Regs. 103-102(22) (Supp. 1999) regarding the definition of a limousine. Interested persons may submit written comments to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, written comments must be received no later than 4:45 p.m. on December 15, 2000, the close of the drafting comment period. Please refer to Docket No. 2000-500-T in written comments forwarded to the Commission.

Synopsis:

On August 24, 2000, the Public Service Commission of South Carolina issued Order Number 2000-696 (Docket Number 2000-434-T). In Order Number 2000-696, the Commission addressed the issue of whether the term "luxury vehicles" in the "limousine" definition in 26 S.C. Code Ann. Regs. 103-102(22) (Supp. 1999) includes sport utility vehicles and town cars. In this Order, the Commission held that both sport utility vehicles and town cars fit within the definition of "luxury vehicles", which appears in the Commission definition of a "limousine". Additionally, the Commission instructed the Commission Staff to commence a rulemaking procedure to modify the definition of a "limousine" in 26 S.C. Code Ann. Regs. 103-102(22) (Supp. 1999) in accordance with Commission Order Number 2000-696.

Legislative review of this proposed regulation is required.

12 PROPOSED REGULATIONS

Document No. 2557
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Section 47-4-30 and 47-17-130

R.27-1023 State Meat Inspection Regulation

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 25, 2000.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on November 30, 2000 at 10:00 a.m. If no request is received by November 23, 2000 the hearing will be canceled. Written comments may be directed to Dr. Charles C. King, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 23, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Meat Inspection Regulations

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of meat products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Meat Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be "at least equal to" applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

Legal Authority: 1976 Code Section 47-4-30, 47-17-130.

Plan for Implementation: The state meat inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

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. 2556
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 47-4-30, 47-19-30, and 47-19-170

R 27-1022 State Poultry Regulations

Preamble:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 25, 2000.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the South Carolina Meat-Poultry Inspection Department, 500 Clemson Road, Columbia, S.C. on November 30, 2000 at 10:00 a.m. If no request is received by November 23, 2000, the hearing will be canceled. Written comments may be directed to Dr. Charles C. King, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, SC 29224-2406 not later than November 23, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: State Poultry Inspection Regulations

Purpose: To modernize, clarify and update the existing regulations which govern the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act, which establishes the Federal-State Cooperative Inspection Program. This cooperative agreement requires that state regulations be “at least equal to” applicable federal regulations, in return for which the federal government furnishes 50% of the funds required to maintain the state program. These regulations will allow the state program to maintain compliance with the terms of the federal cooperative agreement.

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

Plan for Implementation: The state poultry inspection program has been in existence for many years, implementation of these proposed regulations will clarify and update the existing regulations.

14 PROPOSED REGULATIONS

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. 2564
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-18-710 (Supp. 1999)

43-300. Accreditation Criteria

Preamble:

Regulation 43-300 includes criteria for state accreditation of school districts and schools, approval procedures of the State Board of Education regarding accreditation, and procedures for assigning accreditation classifications. The regulation incorporates amendments to reflect S.C. Code Ann. Section 59-18-710 (Supp. 1999) that specifies that the state accreditation system include student academic performance.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to S.C. Code Ann. Section 1-23-110(A)(3) (Supp. 1999), as amended, such a hearing shall be held December 12, 2000, at 10:30 a.m., at the Rutledge Building. 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>. Comments must be received no later than 5:00 p.m. on November 27, 2000.

Preliminary Fiscal Impact Statement:

Staff anticipate no additional financial impact upon local school districts or schools. Additional costs will be incurred to the Department with the monitoring of the new accreditation system.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-300. Accreditation Criteria

Purpose: Regulation 43-300, Accreditation Criteria, is being amended and replaced in its entirety to reflect provisions of the Education Accountability Act of 1998. Section 59-18-710 of the Act specifies that the state's accreditation system include student academic performance. Currently, the accreditation system consists of statutory/regulatory standards but does not include criteria for student academic performance. The proposed regulation reflects the work of an accreditation advisory committee comprised of district superintendents, assistant superintendents, and statewide business and education leaders.

Legal Authority: The legal authority for Regulation 43-300, Accreditation Criteria, is S.C. Code Ann. Sections 59-5-60 (1990), General powers of [State] Board, and 59-18-710 (Supp. 1999), Criteria for state's accreditation system.

Plans for Implementation: The proposed amendments will take effect upon approval by the General Assembly, publication in the *State Register*, and issuance of the district and school report cards beginning November 1, 2001. Copies of the amended regulation will be mailed to all school districts, schools, and educational organizations.

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

Regulation 43-300 is being amended to reflect provisions of the Education Accountability Act of 1998 requiring the state's accreditation system to include student academic performance. The inclusion of student academic performance in assigning accreditation status is expected to challenge districts, schools, and students to attain higher levels of performance.

DETERMINATION OF COSTS AND BENEFITS:

Local school districts and schools are expected to incur no additional costs. Additional costs will be incurred to the Department with the monitoring of the new accreditation system. Districts, schools, and students are expected to benefit from the inclusion of student academic performance in the accreditation criteria to encourage them to strive toward higher levels of performance. The monitoring of standards through an accreditation system ensures an optimal environment for teaching and learning.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The accreditation standards include standards to ensure the health and safety of public school students.

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

There would be less monitoring of the health and safety of public school students.

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. 2565
STATE DEPARTMENT OF EDUCATION
CHAPTER 43
Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-57.1. Computing the Experience of Teachers

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-57.1, Computing the Experience of Teachers. The proposed amendments will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below:

- (1) The proposed amendment will eliminate redundancy, correct grammar, and maintain consistency of language.
- (2) The proposed amendment will specify using summer school credit to add to partial years of experience.

16 PROPOSED REGULATIONS

Section by Section Discussion

Eliminate redundancy, correct grammar, and maintain consistency of language.

Specify the use of summer school for experience credit.

The text inserts the use of summer school experience credit as a method to complete partial years of experience.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 AM in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-57.1, Computing the Experience of Teachers

Purpose:	Regulation 43-57.1 is being amended and replaced in its entirety.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed amendments will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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. 2566
DEPARTMENT OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1, 3, and 6),
 59-30-10(F) (1990), and 59-39-100 (Supp. 1999)

43-259. Graduation Requirements

Preamble:

Regulation 43-259 specifies graduation requirements. This regulation sets out units required for a state high school diploma, provisions for granting course credit, exit examination requirements, General Educational Development (GED) equivalency diploma requirements, GED testing, and adult education diploma requirements. This regulation incorporates amendments reflecting the General Assembly's repeal of the STAR diploma, additional provisions for granting high school and adult education program course credit, and editing to provide additional clarity.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to S.C. Code Ann. Section 1-23-110(A)(3) (Supp. 1999), as amended, such a hearing shall be held December 12, 2000, at 9:00 a.m., at the Rutledge Building. 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>. Comments must be received no later than 5:00 p.m. on November 27, 2000.

Preliminary Fiscal Impact Statement:

FY 2000-01 began the final year of phasing in the twenty-four unit diploma requirement. There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-259. Graduation Requirements

Purpose: Regulation 43-259, Graduation Requirements, is being amended and replaced in its entirety to incorporate the General Assembly's repeal of the STAR diploma. New provisions for granting high school and adult education program course credit have been added. Editing to provide more clarity is interspersed throughout the amended regulation.

Legal Authority: The legal authority for Regulation 43-259, Graduation Requirements, is S.C. Code Ann. Sections 59-5-60 (1,3, and 6), 59-30-10(F) (1990), and 59-39-100 (Supp. 1999).

Plans 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 school districts, schools, and educational organizations.

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

The proposed amendments to Regulation 43-259, Graduation Requirements, address the General Assembly's repeal of Section 59-39-105, "Superior Technology or Academic Requirements (STAR) Diploma," relating to

18 PROPOSED REGULATIONS

STAR Diploma requirements and Section 59-39-190, "Regulations," relating to the State Board of Education's authority to promulgate regulations for STAR Diploma implementation. New provisions for granting high school and adult education program course credit provide additional direction concerning the issuance of credits. Editing changes to provide more clarity are interspersed throughout the regulation. Public high schools and adult education programs will benefit from the additional specificity concerning state high school diploma requirements.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments to Regulation 43-259, Graduation Requirements, address the General Assembly's repeal of Section 59-39-105, "Superior Technology or Academic Requirements (STAR) Diploma," relating to STAR Diploma requirements and Section 59-39-190, "Regulations," relating to the State Board of Education's authority to promulgate regulations for STAR Diploma implementation. New provisions for granting high school and adult education program course credit provide additional direction concerning the issuance of credits. Editing changes to provide more clarity are interspersed throughout the regulation. Public high schools and adult education programs will benefit from the additional specificity concerning state high school diploma requirements.

UNCERTAINTIES OF ESTIMATES:

None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS 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.

Document No. 2571

DEPARTMENT OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-57.3. Other Experience Acceptable for Credit

Preamble:

The State Department of Education proposes to repeal in its entirety Regulation 43-57.3, Other Experience Acceptable for Credit. The items in this regulation are subsumed under 43-57.2, Teaching Experience Acceptable for Credit.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 AM in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-57.3, Other Experience Acceptable for Credit.

Purpose:	Regulation 43-57.3 is being repealed in its entirety.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed repeal will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The repeal will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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. 2558
DEPARTMENT OF EDUCATION
 CHAPTER 43
 Statutory Authority: S.C. Code Ann. Section 59-5-60 (1990) and
 S.C. Code Ann. Section 59-24-40 (Supp. 1999)

43-165.1. Principal Evaluation Program

Preamble:

The Department proposes to amend and replace in its entirety the Principal Evaluation Program Regulation to reflect amendments in S.C. Code Ann. Section 59-29-40 (Supp.1999). Statewide performance standards and criteria for principal evaluation have been developed. The proposed regulation includes procedures for assisting, developing, and evaluating principals in school districts. A name change is recommended to be more inclusive of all components in the law. Notice of Drafting for the proposed amendment was published in the *State Register* on July 28, 2000. The Principal Evaluation Program Review Committee was established by the Office of Professional Development at the State Department of Education in collaboration with the South

20 PROPOSED REGULATIONS

Carolina Educational Policy Center in the College of Education at the University of South Carolina. The committee developed statewide performance standards and criteria for principal evaluation. Proposed Regulation 43-165.1 will provide a framework to ensure appropriate implementation of the Principal Evaluation Program by addressing the purpose, definitions, participation, procedures, maintenance, appeals, training requirements, implementation, and administration of the program. It is recommended that the name "Principal Evaluation Program" be changed to "Program for Assisting, Developing, and Evaluating Principal Performance" to more closely reflect all components of Section 59-24-40.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to S.C. Code Ann. Section 1-23-110(A)(3) (Supp. 1999), as amended, such a hearing shall be held December 12, 2000, at 10:30 a.m. at the Rutledge Building. Interested members can submit written comments on the proposed regulation to Dr. Russell Bedenbaugh, Office of Professional Development, State Department of Education, 1429 Senate Street, Rutledge Building, Room 1112, Columbia, South Carolina, 29201. Written comments must be received no later than 5:00 p.m. on November 27, 2000.

Preliminary Fiscal Impact Statement: The estimated cost to the state is \$125,000.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-165.1, Principal Evaluation Program

Purpose: Regulation 43-165.1 is being repealed and replaced in its entirety.

Legal Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-24-40 (Supp. 1999)

Plans 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 the community with copies of the regulation.

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

The proposed regulation will provide a framework for the State Department of Education to ensure the implementation of the Principal Evaluation Program. School districts will be able to appropriately administer the Principal Evaluation Program using the standards and criteria as the foundation for all processes used for assisting, developing, and evaluating principals. The proposed amendments address the purpose, definitions, participation, procedures, maintenance, appeals, training requirements, implementation, and administration of the Principal Evaluation Program.

DETERMINATION OF COSTS AND BENEFITS:

The benefit of the proposed amendments will be the implementation of statewide performance standards and criteria for principal evaluation. (Narrative)

UNCERTAINTIES OF ESTIMATES:

None

EFFECTS ON ENVIRONMENT AND PUBLIC HEALTH:

None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS 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.

Document No. 2567
STATE DEPARTMENT OF EDUCATION
CHAPTER 43
Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-62 Requirements for Additional Areas of Certification, Amended.

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-62, Requirements for Additional Areas of Certification. The proposed amendments will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below:

- (1) The regulation will specify grade spans for certificates.
- (2) The regulation will provide a table of contents for add-on certifications.
- (3) The regulation will divide additional areas of certification into four sections: regular program, exceptional children education, career and technology, and other certification.
- (4) The regulation will provide for additional areas of certification in Gifted and Talented.
- (5) The regulation will provide a timeline and process for the transition to initial middle level certification.
- (6) The regulation will modify the additional areas of certification content requirements for middle level language arts, social studies, science, and mathematics.
- (7) The regulation will change the name from natural science to science.
- (8) The regulation will change the requirements for additional areas of certification in special education areas.
- (9) The regulation will modify the course titles for special education add-on certifications.
- (10) The regulation will change the name of hearing impairment, emotional handicapped, educable mentally handicapped, trainable mentally handicapped, generic special education, orthopedically handicapped, and speech correctionist.

22 PROPOSED REGULATIONS

- (11) The regulation will combine educable mentally handicapped and trainable mentally handicapped into mental disabilities.
- (12) The regulation will insert moderate and severe disabilities.
- (13) The regulation will change the certification requirements for add-on business education certification.
- (14) The regulation will insert the area of computer programming.
- (15) The regulation will change the name of home economics.
- (16) The regulation will insert the area of health occupations.
- (17) The proposed amendment will eliminate redundancy, correct grammar, and maintain consistency of language.

Section by Section Analysis

- (1) Specify grade spans for certificates.
- (2) Provide a table of contents for add-on certifications.
- (3) Divide add-on certification into four sections: regular program, exceptional children education, career and technology, and other certification.
- (4) Provide for add-on certification in Gifted and Talented.
- (5) Provide a timeline and process for the transition to initial middle level certification.
- (6) Modify the add-on certification content requirements for middle level language arts, social studies, science, and mathematics.
- (7) Change the name from natural science to science.
- (8) Change the requirements for additional areas of certification in special education areas.
- (9) Modify the course titles for all categories of special education add-on certification.
- (10) Change the name of hearing impairment to deafness and hearing impairment, emotional handicapped to emotional disabilities, educable mentally handicapped to mental disabilities., trainable mentally handicapped to mental disabilities, generic special education to multicategorical special education by July 1, 2003, orthopedically handicapped to orthopedically impaired, and speech correctionist to speech language therapist.
- (11) Combine educable mentally handicapped and trainable mentally handicapped into the new mental disabilities certification.
- (12) Insert the additional areas of certification in moderate and severe disabilities.
- (13) Change requirements for add-on certification in business education certification.
- (14) Insert the additional area of computer programming.

- (15) Change the name of home economics to family and consumer science.
- (16) Insert the additional area of certification in health occupations.
- (17) Eliminate redundancy, correct grammar, and maintain consistency of language.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 AM in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivision.

Statement of Need and Reasonableness:

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

Purpose:	Regulation 43-62 is being amended.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed amendments will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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.

24 PROPOSED REGULATIONS

Document No. 2559
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-39-190 (Supp. 1999),
and 59-39-105 (Supp. 1999)

R. 43-259.5. Star Diploma

Preamble:

The State Board of Education proposes the repeal of Regulation 43-259.5, "STAR Diploma,." in its entirety. Regulation 43-259.5 details eligibility requirements that graduating students are required to complete in order to earn the "STAR Diploma." In 1999, the South Carolina General Assembly changed the name of the "STAR Diploma" regulation from "Superior Scholars for Today and Tomorrow Diploma/Scholarship" to "STAR Diploma." In year 2000, the General Assembly amended the code by repealing Section 59-39-105, "Superior Technology or Academic Requirements (STAR) Diploma," relating to STAR Diploma requirements and Section 59-39-190, "Regulations," relating to the State Board of Education's authority to promulgate regulations for STAR Diploma implementation.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to S. C. Code Ann. Section 1-23-110(A)(3) (Supp. 1999), such a hearing will be held on December 12, 2000, at 10:30 A.M., at the Rutledge Building. Written comments may be directed to Nancy Sargent, Director, Office of School Quality, 1429 Senate Street, Room 702, Columbia, South Carolina 29201. Comments must be received no later than 5:00 P.M. November 27, 2000.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R. 43-259.5, "STAR Diploma"

Purpose: Regulation 43-259.5, "STAR Diploma," is being repealed in its entirety. This regulation details eligibility requirements that graduating students are required to complete in order to earn the "STAR Diploma."

Legal Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-39-190 (Supp. 1999), and 59-39-105 (Supp. 1999)

Plans for Implementation: The proposed repeal of this regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed repeal will be implemented by providing the regulated community with copies.

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

In the year 2000, the General Assembly amended the code by repealing Sections 59-39-105 and 59-39-190, relating to the "STAR Diploma."

DETERMINATION OF COSTS AND BENEFITS: N/A

UNCERTAINTIES OF ESTIMATES: N/A

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

Text:

R. 43-259.5, "STAR Diploma" IS BEING REPEALED IN ITS ENTIRETY

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. 2570
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-51.3. Student Teachers

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-51.3, Student Teachers. The proposed amendments will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below.

The proposed amendment will provide consistency of language.

Section by Section Discussion

Eliminate redundancy, correct grammar and maintain consistency of language.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 AM in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-51.3, Student Teachers

Purpose:	Regulation 43-51.3 is being amended.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed amendments will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The amendments will be implemented by providing the regulated community with copies of the regulation.

26 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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. 2568
STATE DEPARTMENT OF EDUCATION
CHAPTER 43
Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-57.2. Teaching Experience Acceptable for Credit

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-57.2, Teaching Experience Acceptable for Credit. The proposed amendments will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below:

The proposed amendment will combine two regulations using broader language that will give flexibility for school districts to determine acceptable teaching experience for experience credit.

Section by Section Discussion

- (1) The regulation will merge the trade and industry experience statement, number seven in 43-57.3, into the introduction.
- (2) The regulation will merge number one in 43-57.3 into section a. The section includes designation as acceptable a professional position in a public, private, or parochial elementary or secondary school.
- (3) The regulation will merge number two in 43-57.3 into section b. The section designates a professional position in a regionally or nationally accredited institution of higher education or institution with teacher education programs approved by the South Carolina State Board of Education as acceptable credit.
- (4) The regulation will merge number three in 43-57.3 into section d. The section designates a professional education position at a United States Office of Education or Regional Office of United States Office of Education as acceptable credit.

- (5) The regulation will merge number four in 43-57.3 into section c. The section designates a position as teacher's aide with an earned undergraduate degree as acceptable credit.
- (6) The regulation will merge number five in 43-57.3 into section e. The section designates experience as a psychologist or counselor in a mental health or other family support program as acceptable credit.
- (7) The regulation will merge number six in 43-57.3 into section f. The section designates a professional education position in a city, county, state, or federal education system that supports a primary education program for a school-aged or adult population as acceptable credit.
- (8) The regulation will eliminate redundancy, correct grammar, and maintain consistency of language.

Section by Section Analysis

- (1) Merge the Trade and Industry statement, number seven in 43-57.3, into the introduction.
- (2) Merge number one in 43-57.3 into section a.
- (3) Merge number two in 43-57.3 into section b.
- (4) Merge number three in 43-57.3 into section d.
- (5) Merge number four in 43-57.3 into section c.
- (6) Merge number five in 43-57.3 into section e.
- (7) Merge number six in 43-57.3 into section f.
- (8) Eliminate redundancy, correct grammar, and maintain consistency of language.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 AM in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-57.2, Teaching Experience Acceptable for Credit

Purpose:	Regulation 43-57.2 is being amended and replaced in its entirety.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed amendments will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The amendments will be implemented by providing the regulated community with copies of the regulation.

28 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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. 2560
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-18-300 (Supp.1999),
59-18-310(B) (Supp. 1999), and 59-18-320(C) (Supp. 1999)

43-262.4. End-of-Course Tests

Preamble:

The Department proposes Regulation 43-262.4, End-of-Course Tests, to define gateway and benchmark courses for which end-of-course tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

The Notice of Drafting was published in the *State Register* on July 28, 2000.

Section-by-Section Discussion

Section I: Addresses courses tested.

Section II: Addresses purposes and uses of the end-of-course tests.

Section III: Addresses content of the tests.

Section IV: Addresses student performance standards.

Section V: Addresses review of curriculum standards and end-of-course tests.

Section VI: Addresses notice to students.

Notice of Public Hearing and Opportunity for Public Comment:

Should a public hearing be requested pursuant to S.C. Code Ann. Section 1-23-110(A)(3) (Supp. 1999), such a hearing shall be held December 12, 2000, at 10:30 a.m. at the Rutledge Building. Interested members can submit

written comments on the proposed regulation to Dr. Paul Sandifer, Director, Office of Assessment, Room 607, Rutledge Building, 1429 Senate Street, Columbia, S.C. 29201. Written comments must be received no later than 5:00 p.m. on November 27, 2000.

Preliminary Fiscal Impact Statement:

The Department of Education estimates the cost incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$3,150,000 for FY 2001–FY 2003 and \$2,350,000 plus inflation and any necessary adjustments if secondary school enrollment increases for FY 2004 and each year thereafter.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-262.4, End-of-Course Tests

Purpose: Regulation 43-262.4, End-of-Course Tests, defines gateway and benchmark courses for which end-of-course tests must be developed, establishes the purposes and uses of the tests, provides for the establishment of standards for the tests, and provides for notice to students. These courses in the areas of English/language arts, mathematics, science, and social studies are required by the Education Accountability Act of 1998. Defining the terms and establishing the purposes of the tests must be accomplished before the test development or selection process can proceed.

Legal Authority: The legal authority for Regulation 43-262.4 is S.C. Code Ann. Sections 59-5-60 (1990), 59-18-300 (Supp. 1999), 59-18-310(B) (Supp. 1999), and 59-18-320(C) (Supp. 1999).

Plans for Implementation: The proposed regulation would take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing school district personnel with copies.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Regulation 43-262.4 will define gateway and benchmark courses for which end-of-course tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

DETERMINATION OF COSTS AND BENEFITS:

The exact cost of development and implementation of the end-of-course tests can only be estimated at this time. The development, administration, scoring, and reporting will be done under a contract(s) resulting from a competitive bid process. The derivation of cost estimates are based on the following assumptions:

1. The development of the tests for Algebra I and United States Government and Constitution will begin in Fiscal Year 2001 with implementation in Fiscal Year 2002.
2. The development of the tests for English will begin in Fiscal Year 2002 with implementation in Fiscal Year 2003.
3. The development of the tests for Biology will begin in Fiscal Year 2003 with implementation in Fiscal Year 2004.
4. Development of all required tests will be a continuous process since multiple forms of each test will be required in order to maintain test security.
5. All tests will consist of selected-response items only in order to expedite scoring and reporting.
6. In districts that have the necessary technology, some, or all, tests will be administered via computer.
7. Three forms of each test will be required each year to accommodate administrations at the end of each block and summer school.

30 PROPOSED REGULATIONS

8. The number of students tested each year will be approximately as follows:

Algebra I, 50,000

English I, 50,000

Biology, 30,000

United States Government and Constitution, 45,000

9. The development of each test form will cost approximately \$50,000.

10. Test administration, scoring, and reporting will be approximately \$10 per examinee.

Estimated Costs:

FY 2001 \$100,000-development of two test forms.

FY 2002 \$1,250,000-development of nine test forms and administration of 95,000 tests.

FY 2003 \$1,800,000-development of twelve test forms and administration of 145,000 tests.

FY 2004-\$2,350,000-development of twelve test forms and administration of 175,000 tests.

FY 2004 cost, plus inflation, will be recurring. Adjustments in cost may be necessary if secondary school enrollment increases.

UNCERTAINTIES OF ESTIMATES

N/A

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

N/A

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this regulation 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. 2569

STATE DEPARTMENT OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann Sections 59-5-60 (1990)

R 43-53.2. Types and Levels of Credential Classification

Preamble:

The State Department of Education proposes to amend and replace in its entirety Regulation 43-53.2, Types and Levels of Credential Classification. The proposed amendments will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below:

(1) The regulation will specify the Interstate Agreement on Qualification of Educational Personnel.

- (2) The regulation will provide a time limit for completion of coursework to qualify for the bachelor's +18 certificate advancement.
- (3) The regulation will provide a time limit for completion of coursework to qualify for the master's +30 certificate advancement.
- (4) The regulation will identify the doctorate as a level for the professional certificate.
- (5) The regulation changes the name of speech language pathologist and speech correctionist to speech language therapist.
- (6) The regulation will eliminate redundancy, correct grammar, and maintain consistency of language.

Section by Section Analysis

- (1) Specify the Interstate Agreement on Qualification of Educational Personnel.
- (2) Provide a time limit for completion of coursework to qualify for the bachelor's +18 certificate advancement.
- (3) Provide a time limit for completion of coursework to qualify for the master's +30 certificate advancement.
- (4) Identify the doctorate as a level for the professional certificate.
- (5) Change the name of speech language pathologist and speech correctionist to speech language therapist.
- (6) Eliminate redundancy, correct grammar, and maintain consistency of language.

Notice of Public Hearing and Opportunity for Public Comment:

If you wish to comment on the proposed regulation, you may do so by submitting your comments in writing to Dr. Sandra Rowe, 1600 Gervais Street, Columbia, South Carolina 29201, no later than December 8, 2000. If required, a public hearing will be conducted on December 12, 2000, at 10:30 am in the Rutledge Building, 1429 Senate Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Regulation 43-53.2, Types and Levels of Credential Classification

Purpose:	Regulation 43-53.2 is being amended and replaced in its entirety.
Legal Authority:	S.C. Code Ann. Sections 59-5-60 (1990)
Plans for Implementation:	The proposed amendments will take effect upon approval by the General Assembly and publication in the <i>State Register</i> . The amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This statement of need and reasonableness was determined by staff analysis and input from teachers, school and district personnel.

32 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are 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. 2572
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 48-1-10 et seq.

R.61-68. Water Classifications and Standards

Preamble:

The Department proposes amendment of R.61-68 to clarify, strengthen and improve the existing regulation, and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act. Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recent numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department has also included several revisions that will clarify and improve the regulation. R.61-68 will be replaced in its entirety because of recodification and stylistic changes made throughout the existing regulation. See also the Statement of Need and Reasonableness herein. The proposed amendment will be submitted to the General Assembly for review.

The Notice of Drafting for this proposed amendment was published in the State Register on January 28, 2000. Two issues proposed for amendment in the Notice of Drafting were withdrawn. These issues are: the clarification of how the Department will determine the applicable areas for use of Maximum Contaminant Levels (MCLs) for human health protection in NPDES permits and reexamination of bacterial indicator for protection of swimming uses.

Discussion of Proposed Revisions:

Note: The sections cited in this listing reflect the sections as they are numbered in the proposed version of the regulation.

(1): Adoption of federal toxics criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the Clean Water Act.

SECTION

REVISION

R.61-68.E.11

Modified language for clarity and consistency throughout the document.

R.61-68.E.12	Modified language to indicate that all numeric criteria would now be listed in the regulation instead of using references to federal criteria documents. Also includes modified language for consistency throughout the document.
R.61-68.E.12.a.(1)	Modified language for clarity and consistency throughout the document.
R.61-68.E.12.a.(2)	Modified language for clarity and consistency throughout the document.
R.61-68.E.12.a.(4)	Added language to clarify that the most sensitive resident species in tidal waters must be protected. Also modified language for clarity and consistency throughout the document.
R.61-68.E.12.a.(5)	Modified language for clarity and consistency throughout the document. Deleted references to numeric criteria for aquatic life since the numeric criteria are now included in the appendix.
R.61-68.E.12.b.(1)	Added language for use of federal numeric human health criteria for water and organism. Also modified language for clarity and consistency throughout the document
R.61-68.E.12.c.(1)-(4)	Modified language for clarity and consistency throughout the document.
R.61-68.E.12.c.(5)	Added language to allow the exclusion for the use of federal numeric human health criteria for water and organism when deriving permit effluent limitations. This will allow a determination that no existing or proposed drinking water source will be affected should the Department not utilize the criteria in deriving permit limitations.
R.61-68.E.12.c.(7)-(8)	Added language to reflect that an acute effect on human health (where the public health may be jeopardized to the point that an immediate effect is experienced such as an illness associated with swimming and ingesting fecal material through shellfish) is not allowed by the water quality standards. The revised language clarifies this point and states how the permit effluent limitations will be calculated to ensure that human health is protected. Modified language for clarity and consistency throughout the document.
R.61-68.E.12.d.(1)-(2)	Modified language for clarity and consistency throughout the document.
R.61-68.E.12.d.(3)	Added language to allow the Department to use federally-approved methodology for conversion of total metals criteria to dissolved metals for ambient monitoring.
Appendix	The original appendices have been deleted and a new single chart is replacing the previous three. The chart now contains the values for the numeric criteria for the protection of aquatic life along with human health criteria and organoleptic effects. This is the first time that the regulation has included these values for aquatic life numeric criteria since the existing version of the regulation only references the federal documents. There is also an inclusion of the federal human health

34 PROPOSED REGULATIONS

numeric criteria for water and organism consumption. The existing regulation does not include these values. The changes will make the regulation a better and more convenient source for use by Department staff and the public. Since the Department no longer references the federal criteria documents for aquatic life, the addition of footnotes and three attachments that contain specifics detailing how the numeric criteria are to be used are also necessarily included.

(2): Adoption of numeric criteria for phosphorus, nitrogen, and chlorophyll *a*.

SECTION

REVISION

R.61-68.E.9.a.-e.

Additional language to include numeric criteria for nutrients in order to protect the State's lakes from nutrient over-enrichment. Some language was modified for clarification.

(3): Selection of a more appropriate hardness value.

SECTION

REVISION

R.61-68.E.12.a.(3)

Revised language to reflect a change in the hardness values to be used for calculations for permit effluent limitations and an inclusion of an upper limit for the allowable ambient hardness level. These hardness values were also required by the EPA in order to reflect the most recently revised federal criteria.

(4): Adoption of statewide turbidity standard.

SECTION

REVISION

R.61-68.G.9.j.

Addition of numeric criteria for turbidity for Trout waters.

R.61-68.G.10.i

Addition of numeric criteria for turbidity for Freshwaters including one specific for lakes.

R.61-68.G.11.i.

Addition of numeric criteria for turbidity for Shellfish Harvesting waters.

R.61-68.G.12.i.

Addition of numeric criteria for turbidity for Class SA waters.

R.61-68.G.13.i.

Addition of numeric criteria for turbidity for Class SB waters.

(5): Adoption of numeric color standard.

SECTION

REVISION

R.61-68.G.6.a.

Addition of color to the items for Class ORW.

R.61-68.G.9.e.

Addition of color to the items for Trout waters.

R.61-68.G.10.d.

Addition of numeric criteria for color for Freshwaters.

R.61-68.G.11.d.

Addition of numeric criteria for color for Shellfish Harvesting waters.

R.61-68.G.12.d. Addition of numeric criteria for color for Class SA waters.

R.61-68.G.13.d. Addition of numeric criteria for color for Class SB waters.

(6): Inclusion of language to clarify the components of water quality standards.

SECTION

REVISION

R.61-68.A.1.a.-c. Additional language to clarify the components of water quality standards.

(7): Inclusion of language to strengthen the existing narrative standards.

SECTION

REVISION

R.61-68.E.3. Additional language to state that waters of the State cannot be used for waste treatment.

R.61-68.E.12.c.(9) Additional language to state toxicity testing should be conducted in conformance with federal procedures and when an exception is granted by the Department on the test species, which species should be used.

R.61-68.E.13.a.-b. Additional language that would allow the Department to require, when determined necessary, additional monitoring to ascertain the bioaccumulative effects of pollutants.

R.61-68.E.14.a.(1)-(2) Added language that requires the Department to use a sensitivity factor when using other scientifically defensible published data for a pollutant for which EPA has not developed a national criterion. This will ensure that any value used will be appropriate to protect and maintain a balanced indigenous aquatic community as required by the regulation.

R.61-68.E.15.d. Additional language to state that toxicity testing should be conducted in conformance with federal procedures and when an exception is granted by the Department on the test species, which species should be used.

R.61-68.F.1.a.-e. Additional language that better describes narrative biocriteria, their objectives, and how they are assessed for purposes of determining compliance with water quality standards.

(8): Inclusion of a description for the Outstanding National Resource Waters (ONRW) class.

SECTION

REVISION

R.61-68.D.1.a. Additional language to include the ONRW class.

R.61-68.D.3. Additional language to include the ONRW class.

R.61-68.G.4.-5. Additional language to include the ONRW class.

(9): Clarification of surface water mixing zone allowances.

36 PROPOSED REGULATIONS

SECTION

REVISION

R.61-68.C.10.a.-d.

Additional language was included to restrict the size of the acute and chronic mixing zones and to prohibit their use in certain situations in order to protect aquatic life and human health. Modified language for clarity and consistency throughout the document.

R.61-68.E.10.c.

Modified language to reflect prohibitions on mixing zones for lakes.

(10): Clarification of language dealing with contaminated groundwater.

SECTION

REVISION

R.61-68.H.4.

Additional language to require that responsible parties be liable for remediation. Also modified language for clarity and consistency throughout the document.

(11): Inclusion of a reporting requirement for unauthorized discharges.

SECTION

REVISION

R.61-68.E.4.b.1.-2.

Additional language to require that unauthorized discharges to waters of the State that may cause a violation of a water quality standard be reported to the Department by the responsible party in a timely manner.

(12): Clarification of the applicability of flow conditions.

SECTION

REVISION

R.61-68.C.4.a.-c.

Additional and revised language to clarify the applicable flow requirements for aquatic life and human health numeric criteria. This necessitated an inclusion of language for when other flow regimes are allowed, restricted, or prohibited.

(13): Clarification of existing language to ensure that downstream uses are protected.

SECTION

REVISION

R.61-68.C.7.

Additional language that states downstream uses are protected and maintained.

(14): Review and revision of language of antidegradation.

SECTION

REVISION

R.61-68.D.2.a.-b.

Additional language that includes requirements for an alternatives analysis consistent with existing federal and state regulatory requirements, more specific determinations that the need for lowering of water quality is necessary to important economic and social development, and public participation requirements. Clarification that the Department does not have the authority to remove or impair an existing use.

R.61-68.D.4.

Added a S.C. Pollution Control Act citation which contains specific requirements applicable to this section of the regulation.

(15): Inclusions of new definitions as needed.

Each of the following definitions were added or amended for clarification or consistency with other federal or state regulations, statutes, or scientific documents. No definitions were added or altered if already defined in the S.C. Pollution Control Act.

<u>SECTION</u>	<u>REVISION</u>
R.61-68.B.2.	Added a definition for 7Q10 flow condition.
R.61-68.B.3.	Added a definition for acute.
R.61-68.B.4.	Added a definition for acute-to-chronic ratio (ACR).
R.61-68.B.6.	Added a definition for annual average flow condition.
R.61-68.B.7.	Added a new definition for aquaculture to be consistent with other state regulation.
R.61-68.B.8.	Amended the definition for aquaculture to aquatic farm.
R.61-68.B.9.	Added a definition for aquatic toxicity test.
R.61-68.B.13.	Added a definition for bioaccumulation.
R.61-68.B.14.	Added a definition for bioaccumulative chemicals of concern.
R.61-68.B.15.	Added a definition for bioavailability.
R.61-68.B.16.	Added a definition for bioconcentration.
R.61-68.B.17.	Added a definition for bioconcentration factor (BCF).
R.61-68.B.18.	Added a definition for biological assessment.
R.61-68.B.19.	Added a definition for biological criteria or biocriteria.
R.61-68.B.20.	Added a definition for biological monitoring or biomonitoring.
R.61-68.B.21.	Added a definition for chlorophyll <i>a</i> .
R.61-68.B.22.	Added a definition for chronic.
R.61-68.B.26.	Added a definition for criterion continuous concentration (CCC).
R.61-68.B.27.	Added a definition for criterion maximum concentration (CMC).
R.61-68.B.30.	Added a definition for ecoregions.
R.61-68.B.31.	Modified definition of ephemeral streams for clarification.
R.61-68.B.34.	Added a definition for fool pool elevation.

38 PROPOSED REGULATIONS

R.61-68.B.36.	Added a definition for hydrograph controlled release (HCR).
R.61-68.B.38.	Added a definition for lake.
R.61-68.B.39.	Added a definition for LC ₅₀ and deleted the definition for median tolerance limits since they are the same for the purposes of this regulation.
R.61-68.B.41.	Amended the definition for natural conditions to clarify that they do not include conditions attributed to anthropogenic sources.
R.61-68.B.43.	Added a definition for no observed effect concentration (NOEC).
R.61-68.B.44.	Added a definition for nutrients.
R.61-68.B.45.	Added a definition for organoleptic effects.
R.61-68.B.53.	Added a definition for shellfish.
R.61-68.B.56.	Added a definition for tidal conditions.
R.61-68.B.59.	Amended the definition for underground source of drinking water to include individual residential wells.
R.61-68.B.62.	Added a definition for whole effluent toxicity (WET).

(16): Stylistic changes which may include corrections for: clarity and readability, grammar, punctuation, typography, codification, references, language style, and overall improvement of the text of the regulation.

The entire regulation includes revisions due to recodification of additional or deleted language from the proposed text changes so that every section, subsection, subitem, and item could be cited correctly.

SECTION

REVISION

R.61-68.A.1.	Additional language for clarification and consistency throughout the document.
R.61-68.A.2.	Modified language for clarification and consistency throughout the document.
R.61-68.C.1.	Modified language for clarification and consistency throughout the document.
R.61-68.C.2.	Additional language for clarification and consistency throughout the document.
R.61-68.C.3.	Modified language for clarification and consistency throughout the document.

- R.61-68.C.5. Additional language for clarification and consistency throughout the document. Also included additional language to clarify that site-specific standards may be developed for intermittent and ephemeral streams.
- R.61-68.C.8. Additional language for clarification and consistency throughout the document.
- R.61-68.C.11. Additional language for clarification and consistency throughout the document.
- R.61-68.C.11.a. Modified language for clarity and consistency throughout the document.
- R.61-68.C.11.a.3. Modified language for clarity and consistency throughout the document.
- R.61-68.C.12. Additional language for clarification and consistency throughout the document.
- R.61-68.E.4.a. Additional language for clarification and consistency throughout the document.
- R.61-68.E.8. Additional language for consistency throughout the document.
- R.61-68.E.10.a.-c. Additional language for clarification and consistency throughout the document.
- R.61-68.E.12. Additional language for clarification and consistency throughout the document.
- R.61-68.E.12.a.(1)-(5) Additional language for clarification and consistency throughout the document.
- R.61-68.E.12.c.(1)-(6) Additional language for clarification and consistency throughout the document.
- R.61-68.E.12.d.(1)-(2) Additional language for clarification and consistency throughout the document.
- R.61-68.E.12.d.(4) Added language to clarify how the Department assesses Shellfish Harvesting Waters.
- R.61-68.E.15. Modified language for consistency throughout the document.
- R.61-68.E.15.b. Additional language for clarification and consistency throughout the document.
- R.61-68.G.3. Modified language for clarification and consistency throughout the document.
- R.61-68.G.6.a. Additional language for clarification and consistency throughout the document.
- R.61-68.G.7.a.-b. Correction due to new definitions.
- R.61-68.G.7.c. Correction.
- R.61-68.G.8.a. Additional language for clarification and consistency throughout the document.
- R.61-68.G.8.b. Additional language for clarification and consistency throughout the document.
- R.61-68.G.8.c. Additional language for clarification and consistency throughout the document.

40 PROPOSED REGULATIONS

R.61-68.G.9.c.	Correction.
R.61-68.G.10.a.	Correction.
R.61-68.G.11.	Additional language for clarification and consistency throughout the document.
R.61-68.G.11.c.	Correction.
R.61-68.G.12.	Additional language for clarification and consistency throughout the document.
R.61-68.G.12.a.	Correction.
R.61-68.G.12.c.	Correction.
R.61-68.G.13.a.	Correction.
R.61-68.G.13.b.	Correction.
R.61-68.G.13.c.	Correction.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on November 16, 2000 at 2:00 p.m. in Peeples Auditorium, 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 parties on the proposed amendment to the regulation. Due to changes in admittance procedures at the DHEC Building, we suggest that all visitors enter through the Bull Street Entrance and register at the front desk. 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 for December 14, 2000 as noticed below.

Interested parties are also provided an opportunity to submit written comments to the staff forum by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, Fax number (803) 898-4140. To be considered, written comments submitted must be received no later than 5:00 p.m. on November 27, 2000. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed below.

Copies of the text of the proposed amendment to the regulation for public notice and comment may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803)898-4250, 1Fax number (803) 8984140, or from the Department's website at <http://www.state.sc.us/dhec/eqc/>

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 and written comments on the proposed amendment to the regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 14, 2000. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and

Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentation for the record. Due to changes in admittance procedures at the DHEC Building, we suggest that all visitors enter through the Bull Street Entrance and register at the front desk.

Interested parties are also provided an opportunity to submit written comments on the proposed amendment to the regulation by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201. To be considered, written comments submitted must be received no later than 5:00 pm on November 27, 2000. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed above.

Copies of the final proposed regulation for public hearing may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803)898-4250, Fax number (803) 8984140, or from the Department's website at <http://www.state.sc.us/dhec/eqc/>.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: Amendment of Regulation 61-68, Water Classifications and Standards.

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

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

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: This amendment is required to comply with Federal requirements of Section 303(c)(2)(B) of the Clean Water Act.

- **The adoption of federal toxics criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the Clean Water Act.**

The proposed changes to R.61-68 relating to human health and aquatic life criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the Clean Water Act for protection and

42 PROPOSED REGULATIONS

maintenance of the uses of the waters of the State. These changes include using a more protective cancer risk level of one in one million (10^{-6}) in place of the existing risk level of one in one hundred thousand (10^{-5}) in order to ensure protection for all populations within South Carolina.

- **The adoption of numeric criteria for phosphorus, nitrogen, and chlorophyll *a*.**

In an effort to resolve issues with the assessment of the narrative standard for nutrients, the Department believes that numeric criteria for specific parameters associated with over-enrichment for nutrients should be adopted. The Department used EPA's document ANutrient Criteria Technical Guidance Manual: Lakes and Reservoirs (EPA 822-D-99-001 April, 1999) in conjunction with the Department's extensive database of nutrient data to develop the proposed numeric criteria for phosphorus, nitrogen, and chlorophyll *a* for lakes. The Department affirms that these proposed numeric values are representative of South Carolina waters and are appropriate and necessary. While understanding that the Department's intent through this regulation is the important goal of protecting and maintaining a balanced aquatic community for lakes in the State from the impacts caused by nutrient over-enrichment and since the Department has incurred significant amounts of staff time and valuable resources in defending its use of the narrative nutrient standard for monitoring and permitting through litigious suits; the Department affirms that the proposed numeric criteria are reasonable in order to resolve these issues.

- **Selection of a more appropriate hardness value.**

In the mid-1980's, the EPA published numeric criteria for several metals under Section 304(a) and 307(a) of the CWA. Published criteria documents on some of these metals indicated variability for aquatic life toxicity with an associated hardness (as CaCO_4) level. The criteria data indicated that the relationship was shown to be inversely proportional in that as the hardness levels decrease, the toxicity associated with the metal increases. In 1992, the EPA published the National Toxics Rule (NTR) in the *Federal Register* in its promulgation of numeric criteria for some States and Territories. Contained in this ruling was a review by the EPA of its numeric criteria for these metals. Specifically noticed was the range of hardness values for data that the EPA had considered when deriving the numeric criteria. This range was from 25 mg/l to 400 mg/l for hardness (in previous publications, the criteria hardness values began at 50 mg/l).

R.61-68 presently states that the Department will use a hardness value of 50 mg/l as its lowest value for use with the aquatic life criteria and allows for a higher value to be determined based on the characteristics of the waterbody. Due to the fact that the majority of ambient values for hardness in waters of the State are less than 25 mg/l, the Department proposes to lower the hardness value included in the regulation to 25 mg/l and include an upper limitation of 400 mg/l for consistency with the federal aquatic life criteria range of data. This will provide better protection for resident aquatic communities due to the ambient hardness levels found in South Carolina.

- **Adoption of a statewide turbidity standard.**

The CWA's objectives include the protection and restoration of the physical integrity of our nation's waters. Physical criteria is a concept that takes into account the physical attributes of the aquatic environment, such as the quality of habitat and hydrologic balance. Impairments of the waters have been determined to be a result of turbidity, silt, and sediment deposition into waters from the eroded material from the stream bed and stream banks that are scoured out during elevated wet weather peak discharges and extended hydroperiods. This can lead to eutrophication, increased turbidity, decreased light penetration, submerged aquatic vegetation loss, spawning bed smothering, and shellfish habitat damage. A recent EPA document noted that scientific experts agree that overall physical habitat loss is the single biggest factor in the loss of aquatic species and that physical habitat parameters are important and often overlooked parameters that influence and at some sites control whether or not an aquatic life use is or will be attained.

While the EPA clearly recognizes the importance of physical criteria, they have not recommended a specific criterion for turbidity. Presently the water quality standards include a turbidity standard for the protection of trout waters of the State. It was determined that habitat loss was especially crucial to these species for propagation and well-being. While the turbidity standard included in the regulation for trout waters is appropriate, the Department was concerned that the criterion may be overly conservative for all waters of the State. Trout waters are often clear. Many of the waters of the State are often more turbid due to natural, not anthropogenic, effects. Therefore a single value for turbidity seems inappropriate and hence why the Department is proposing different values for different types of waters of the State. In order to protect our valuable water resources from habitat loss and impairment, the Department affirms that the proposed numeric values for turbidity are necessary and reasonable.

- **Adoption of numeric color standards.**

The aesthetic qualities associated with clean water are considered to be as important as the levels of unseen pollutants. One of the valuable characteristics of water quality is the color and/or hue of the water. Foreign color bodies interfere with the transmission of light within the visible spectrum. A significant change in color can then adversely effect the aquatic ecosystem by restricting the photosynthetic processes of aquatic flora. This can lead to a shift in the resident aquatic species of the waterbody. Therefore, color discharges to waters of the State can alter a balanced indigenous aquatic community as well as affecting the visual appeal of the recreational uses of the waters of the State. Further, significant color changes can be persistent in the waterbody and may have the potential to affect downstream uses of the waterbody including not only recreational and aquatic life uses, but also municipal and industrial users who need clear water. Ultimately, because limiting the amount of color from point source discharges is beneficial for all uses of the waters of the State and for those who need these beneficial uses, the Department affirms it is necessary and reasonable to propose numeric criteria for color.

- **Inclusion of language to clarify the components of water quality standards.**

To convey the concepts of the water quality standards, the Department believes it is important to state their components in straightforward language that the public will understand. All of these components of the water quality standards are contained in the many sections of the regulation, but no where does it simply state that these items are themselves water quality standards. This deficiency in the regulation has lead to some miscommunication between Department staff, the regulated community, and other interested parties. It is our intent to remedy this situation by necessarily revising the water quality standards regulation to include additional language that states the various components of water quality standards and their purpose.

- **Inclusion of language to strengthen the existing narrative standards.**

Narrative criteria allow the Department to control and abate water pollution for items for which no numeric criteria exist and fulfills the intent of the CWA Section 101(a)(3) prohibition of the discharge of toxic pollutants in toxic amounts. These narrative standards encompass the thousands of pollutants for which no numeric criteria exist. Narrative standards also provide protection from the synergistic and additive effects of these pollutants. Biological criteria, or biocriteria, must be reflected through the narrative standards contained in R.61-68. It is reasonable for the Department to strengthen those narrative standards of the water quality standards regulation so that they may fulfill the goals of the Act.

EPA regulations require that narrative criteria be implemented through the NPDES permit limits. More specifically, when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion, the permit must, under most circumstances, contain effluent limits for whole effluent toxicity and under some circumstances must contain effluent limits for specific pollutants that are based on an interpretation of the State=s narrative criterion.

44 PROPOSED REGULATIONS

- **Inclusion of a description for Outstanding National Resource Waters (ONRWs).**

Federal antidegradation policy contained in 40 CFR 131.12 requires that States include in their water quality standards a level of protection for Outstanding National Resource Waters (ONRWs). These waters are determined to be of such outstanding ecological or recreational value to the Nation that they require the highest level of protection that the water quality standards can provide. In order to protect these special waters, the prohibition of any permanent permitted discharge of any kind is required.

South Carolina has incorporated these requirements into our water quality standards. Section D of the regulation states, "The water quality of outstanding resource surface waters designated as Class ORW shall be maintained and protected through the application of the standards for Class ORW as described in Section G.4 and 5. The Department may determine, through the classification process, that some Class ORW waters are nationally significant. Upon such determination, all activities described in Section G.4 and 5. shall be prohibited."

As described in the existing antidegradation rules, any waterbody classified as an ONRW would no longer allow certain activities. Since the current regulation already contains the class ONRW, the Department believes including the class description in the regulation would clarify that this classification exists. Therefore, the Department is proposing to include Class ONRW and its specific standards in Section G of the regulation.

- **Clarification of surface water mixing zone allowances by including specific delineations and requirements.**

Some concerns have been expressed by both the regulated community and environmental groups over the lack of specificity in the State's mixing zone policy. These groups have stated that they believe this lack of specificity may result in subjective and inconsistent implementation of water quality standards from site-to-site. Still a certain amount of flexibility is essential when dealing with complex water quality problems on a waterbody, watershed, or basin scale. Explicit requirements for mixing zones need to be addressed in the water quality standards regulation while still providing flexibility so that the Department may be able to use the mixing zone allowance to address all of the multiple, differing, and complex situations that arise in permit development and issuance for the waters of the State.

The present mixing zone language in R.61-68 goes a long way to providing a basis for mixing zone allowances and at the same time, establishing requirements for the protection of the waters of the State. All of the statements expressed in the existing language are essential to this goal. Therefore, the Department does not intend to remove any of the requirements presently stated in the regulation. Rather, we intend to clarify the statements and to add specific requirements dealing with the dynamics of individual mixing zones. This is not an easy task due to the fact that it would be impossible to enumerate every instance and situation where mixing occurs in the waters of the State. Therefore, the Department proposes that it is appropriate to deal with the issue through statements about the broader categories of both water quality and pollutants and specifically noting when a prohibition or limitation occurs. We believe that leaving the language as general statements will allow enough flexibility to include case-by-case considerations for specific size delineations and mixing zone limitations. The Department is also proposing additional restrictions for the use of mixing zones in an effort to protect aquatic life and human health. The Department affirms that the additional language is both necessary and reasonable in order to resolve concerns related to the allowance and application of mixing zones.

- **Clarification of language dealing with contaminated ground water.**

Ground waters of the State are intended to be protected and do have water quality criteria to protect and maintain them as drinking water sources. Due to some past situations where the responsibility of remediation of contaminated ground water has become an issue, the Department is proposing additional language that requires that responsible parties be held accountable for remediation of the contaminated ground water.

- **Inclusion of a reporting requirement for unauthorized discharges to waters of the State.**

Included in the existing regulation is the requirement that all discharges be permitted by the Department. Section 48-1-100 of the PCA establishes this authority of the Department. Section 48-1-90 of the PCA states that it is unlawful for any person, directly or indirectly, to discharge wastes into waters of the State except as provided by a permitted discharge authorized by the Department. It is clear from these statements that the goal of the PCA is to ensure that discharges to waters of the State be regulated.

Several of the Department=s regulations (e.g., R.61-9, Water Pollution Control Permits) contain language that requires a permittee to report noncompliance which may endanger the public health or the environment. The Department believes it is important that not only permittees be required to report such discharges, but that responsible party(ies) report any illegal discharges to the Department. It is only through notification and thus knowledge of possible violations to the water quality standards that the Department can ensure the protection of the public health and the welfare of the environment.

Because of this concern, the Department is proposing the inclusion of a reporting requirement in the water quality standards regulation for unauthorized discharges to waters of the State. We believe the language proposed is consistent with the reporting requirements contained in other Departmental regulations. Unauthorized discharges may, in fact, cause violations of established water quality standards. Without knowledge of unauthorized pollution, the Department=s ability to provide the public with assurances that those standards are being attained and protected is impeded.

- **Clarification of the applicability of flow conditions.**

To ensure the protection of the existing and classified uses of the waters of the State, it is important that the Department specify the flow conditions that will be used when applying the State=s water quality numeric criteria. Since water quality standards maintain the waters of the State for the propagation and protection of terrestrial and aquatic fauna and flora and also protect the public health, safety and welfare, the Department specifies which flow conditions are applicable for both aquatic life and human health numeric criteria.

Water quality criteria to protect aquatic life consist of three components: magnitude, duration, and frequency. Magnitude refers to the acceptable concentration of a pollutant. Duration is the period of time (averaging period) over which the ambient concentration is averaged for comparison with criteria concentrations. Frequency is how often the criteria can be exceeded to allow the aquatic community sufficient time to recover from excursions of aquatic life criteria and to thrive after recovery. The numeric aquatic life criteria are expressed as short-term (acute) and long-term (chronic) concentrations in order that the criteria more accurately reflect toxicological and practical realities. The combination of these two criteria provides protection of aquatic life and its uses. Recommended averaging periods are kept relatively short because excursions higher than the average can kill or cause substantial damage in short periods. The frequency limitations specify that both the acute and chronic criteria may be exceeded once in a three-year period on average. In order to approximate each of these components of the numeric criteria, water quality standards have prescribed flow requirements that enable the Department to issue permits in such a way as to address these requirements. The recommended once in a three-year period coupled with the 4-day chronic averaging period used for the chronic criteria approximately corresponds to the historically used criterion concentrations that occurs in a once-in-a-ten year seven-day-average low flow (7Q10).

46 PROPOSED REGULATIONS

Human health water quality numeric criteria are scientifically-derived values developed to protect human health. Regulation 61-68 has contained numeric organoleptic criteria since 1991. Organoleptic criteria are developed to ensure the aesthetic qualities of the waters of the State that are important for both public and private concerns and uses. While the regulation specifies the flow conditions appropriate for protection of the classified and existing uses for aquatic life criteria and also for other human health criteria, organoleptic criteria were not mentioned per se. Also, the Department evaluated other flow conditions to be used in order to protect the public health and welfare and found that some specific language for the application of the numeric criteria was needed. Therefore, the Department is proposing additional language to specify the flow conditions to be used in applying numeric criteria for the protection of human health and organoleptic effects.

Another issue addressed by these revisions is the use of Hydrograph Controlled Releases (HCRs). HCRs mean the onsite storage or holding of treated wastewater or the use of an alternative discharge option of this regulation, during specified critical streamflow conditions and then discharging the treated wastewater to the stream when streamflow is sufficient to assimilate the wastewater. While R.61-68 allows other flow conditions to be used by the Department in very specific situations, it does not specifically address this type of discharge. As the requests for these types of discharges have increased, the Department realized that specific applicable flow conditions for HCRs should be included in the standards regulation to ensure the protection of the overall health and well-being of the waterbody. With the understanding that the flow conditions established in the regulation are included in order to ensure that the waters of the State are protected, the Department believes there are specific instances where the standards do not allow the use of HCRs. We also believe that there are situations where an HCR may be appropriate for use in order to meet the water quality standards when no other option is available, provided that the antidegradation rules are properly reviewed and implemented. Therefore, recognizing the increase in instances where these types of discharges have been requested and finding that the regulation does not specifically address this important issue, the Department is proposing necessary language to reflect the appropriate flow conditions to be used when applying the numeric criteria and additional language to specify the restrictions of the use of HCRs.

- **Clarification of existing language to ensure that downstream uses of waters of the State are protected.**

From the earliest versions of both state and federal laws and regulations, it is clear that all uses of the waters of the State must be protected and maintained. Consistent with this goal is the intent of water quality standards to protect and maintain the existing and classified uses of waters downstream from point and nonpoint sources of pollution. The federal water quality standards regulation contains this important provision and 40 CFR 130.10 (b) states: AIn designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.≡ This federal regulation clearly provides the requirement that State water quality standards must contain provisions for the protection of downstream uses. In a previous version of the water quality standards regulation, the language stated that Awater quality must be maintained at a level which will not cause a contravention of the higher standards of the downstream body.≡ While in its present version, R. 61-68 does contain several narrative statements that convey this important provision of water quality standards, it lacks a specific section that clearly states this intent. The Department affirms that including a restatement of this requirement of water quality standards will clarify the intent of the State=s water quality standards and their goal for the protection and maintenance of downstream uses.

- **Review and revision of language for antidegradation.**

Present federal regulation requires that State water quality standards contain an antidegradation policy. This policy requires the establishment of three levels of protection that provide for the maintenance of a

level of water quality that will: 1) protect and support existing and classified uses, 2) where water quality is better than that necessary to support the existing and classified uses then that water quality is also maintained and protected unless, through a public process, some lowering of water quality is deemed to be necessary to allow important economic or social development to occur, and 3) identify water bodies of nationally exceptional recreational or ecological significance (Outstanding National Resource Waters or ONRWs) and maintain and protect water quality in such water bodies. The same regulation also requires that States have an implementation procedure for their antidegradation policy.

While the Department has prepared the State=s implementation procedures for its antidegradation policy as required under federal regulation 40 CFR 131.12(a) and while the implementation procedures are based on the State=s antidegradation rules in R.61-68, many of the details of implementation are not specifically contained in the water quality standards. The Department is proposing to include specific language under the antidegradation rules that address alternatives analysis and public participation in the process of allowing a lowering of water quality based on important economic and social development. We believe the additional language will resolve some misunderstandings regarding the existing antidegradation standards and is both necessary and reasonable.

- **Inclusion of new definitions.**

R.61-68 contains definitions for terms used in the regulation that are not defined in the PCA and may not be readily available to the public or may have specific meaning within the context of the regulation. This section is necessary and vital in that it provides clarity to the intent of the regulation. The Department believes it is important to provide definitions for terms that may have other meanings in another context or may be termed differently when addressing the complex issues contained in the regulation. Therefore, several new definitions have been proposed for inclusion in the revisions to the water quality standards regulation.

- There are proposed stylistic changes which include corrections for: clarity and readability, grammar, punctuation, typography, codification, references, language style, and overall improvement of the text of the regulation.

DETERMINATION OF COSTS AND BENEFITS: Existing staff and resources will be utilized to implement this amendment to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional state funding is being requested. However, due to recent litigation defending the Department=s narrative water quality standards (specifically with regard to nutrients and toxicity issues), the Department has incurred an estimated additional cost of \$100,000 in staff time and resources for these purposes. Since litigation is not only a costly, but lengthy process and even though the Department anticipates that ultimately the court decisions will support the narrative water quality standards; we believe it is necessary and beneficial that we propose amendment to the regulation to either adopt numeric criteria where applicable or to provide more specific narrative statements that will address these concerns. It is our hope that this will alleviate potential future litigation costs by making the appropriate revisions in this public forum and through this public process. If the amendment is not implemented, the Department does anticipate that further litigation costs will be incurred in the settlement of these same issues and therefore, additional state funding may be necessary.

In reviewing the potential for significant economic impact of the proposed amendment, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. The Department found that the overall impact to the State=s political subdivisions or the regulated community as a whole was not likely to be significant in that the existing narrative standards would have incurred similar cost or the fact that the design standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department. Further, much of the proposed amendment, for which an estimated cost may be incurred by the regulated community at the time of permit issuance, are essential and necessary to protect and maintain the existing uses supported by the water quality standards and are therefore,

48 PROPOSED REGULATIONS

beyond the scope of cost analysis in that they provide the minimum level of protection for aquatic life and human health as required by the Federal CWA.

UNCERTAINTIES OF ESTIMATES: Minimal to moderate.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Implementation of this amendment will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendment will promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: Failure by the Department to incorporate appropriately protective water quality standards in the regulation that is the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna found in the State as well as the citizens of South Carolina.

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. 2585
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-103-45 (4)(c) and (5)

62-700 through 62-750: Performance Standards and Funding and the Reduction, Expansion, Consolidation or Closure of an Institution

Preamble:

The Commission proposes to amend, replace or delete sections in the current regulations in order to change language to conform to Commission approved changes in the performance funding process, eliminate outdated sections of the regulations, and add language on institutional reduction, expansion, consolidation or closure as required by 1976 Code, Section 59-103-45 (5).

Section-by-Section Discussion

Section	Changes
Title	Change the word "Benchmarks" to "Standards" and add the words "and the Reduction, Expansion, Consolidation or Closure of an Institution" to the title.

Section 62-700. Authority	Change the word "benchmarks" to "standards" and added the phrase on institutional reduction, expansion, consolidation or closure.
Section 62-710. Definitions	Revise definitions to reflect language approved by the Commission, add definitions to include new terms in the regulations, and eliminate definitions for terms no longer used.
Section 62-720. Implementation	Replaced by Section 62-720. Measures and Standards.
Section 62-730. Performance Indicators	Replaced by Section 62-740. Performance Evaluation
Section 62-740. Development of Measures and Benchmarks	Replaced by Section 62-720. Measures and Standards.
Section 62-750. Development of Performance Funding Allocation Plan	Replaced by Section 62-730. Performance Funding Allocation Plan.
Section 62-760. Review and Reporting to the General Assembly	Deleted. Elements of this section are contained in Section 62-720.
New section added	Section 62-750. Process for Review for Reduction, Expansion, Consolidation or Closure is added to comply with requirements in 59-103-45 (5).

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and of the Higher Education Community may make written comments concerning the proposed regulation for presentation to the Commission. They should be addressed to Dr. Michael Smith, SC Commission on Higher Education; 1333 Main St., Suite 200; Columbia, SC 29201. Written comments must be received by December 1, 2000.

Oral presentations may be made at a Public Hearing to be held during the regular meeting of the Commission scheduled at 10:30 AM on Thursday, December 7, 2000. The meeting will be held in the Large Conference Room of the Commission offices on the second floor of 1333 Main St., Columbia, SC.

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Performance Standards and Funding and the Reduction, Expansion, Consolidation or Closure of an Institution.

Purpose: To bring existing regulations in line with Commission approved revisions of the performance funding process and to add language fulfilling the legislative requirement to promulgate regulations for the reduction, expansion, consolidation or closure of an institution.

Legal Authority: 1976 Code Section 59-103-45 (4)(c) and (5)]

Plan for Implementation: The revised sections of the regulation reflect changes in procedures

50 PROPOSED REGULATIONS

and standards that have been approved by the Commission for immediate implementation as allowed for by law. The section on reduction, expansion, consolidation or closure of an institution will come into effect upon approval by the General Assembly and publication in the *State Register*.

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

The regulation is needed to amend the existing regulation to reflect Commission approved revisions in the implementation of performance funding and to clarify the requirements and process associated with the reduction, expansion, consolidation or closure of an institution. The regulation details the process for evaluating institutions of higher education based on performance ratings. The regulation also details the process involved in the reduction, expansion, consolidation or closure of an institution, including levels of performance leading to consideration for review, the process of performance improvement planning, the process and timeline for appeal, and notification of the General Assembly. The regulations establish a known procedure with provisions for due process for the entities affected.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the regulations does not entail new costs. Institutions affected by performance funding have processes in place to comply with the existing provisions of this regulation. Institutions facing review for possible reduction, expansion, consolidation or closure will face costs involved in developing and implementing a performance improvement plan. It is estimated that such costs will be more than offset by the increased performance if the plan is successfully implemented or by savings to the state if the institution is reduced or closed.

The estimated cost savings to the state, based on FY 2000 appropriations, range from \$0 to \$744,096,134, the amount appropriated to the state's public colleges and universities.

UNCERTAINTIES OF ESTIMATES:

The estimated savings are wholly dependent on the performance under the adopted measurement system of the state's public colleges and universities.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None

DEETERIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS 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.

Document No. 2584
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2), 1-23-110, et seq., 38-71-2060.

69-59. External Reviews of Adverse Determinations by Health Carriers

Preamble:

The Department of Insurance is drafting Regulation 69-59, External Reviews of Adverse Determinations by Health Carriers, to prescribe the external review process in South Carolina.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Wednesday, December 13, 2000, at 9:00 a.m. in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested persons should submit their views in writing to: T. Douglas Concannon, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, December 1, 2000.

Statement of Need and Reasonableness:

This regulation is to provide additional detail to the requirements of 2000 S.C. Act 380. The Regulation proscribes the procedures for a covered person to request an external review and the obligations of a health carrier when such a request has been made. This regulation also establishes licensing and oversight standards for independent review organizations and provisions to minimize conflicts of interest.

Text:

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

Document No. 2583
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110 (2), 1-23-110., et seq., 38-77-530.

69-63. South Carolina Reinsurance Facility Recoupment

Preamble:

The Department of Insurance proposes to adopt Regulation 69-63, South Carolina Reinsurance Facility Recoupment, to provide for the orderly recoupment of South Carolina Reinsurance Facility losses after March 1, 2002.

52 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Friday, December 15, 2000, at 2:00 p.m. in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested persons should submit their views in writing to: David E. Belton, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, December 1, 2000.

Statement of Need and Reasonableness:

Section 38-77-530 of the South Carolina Code requires the Director of insurance to promulgate a plan by regulation to recoup any losses remaining in the South Carolina Reinsurance Facility on March 1, 2002, or any losses accruing after March 1, 2002. Insurers will be notified of this regulation by bulletin.

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. 2582
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2), et seq., 1-23-110, et seq., 38-79-10. et seq.

69-60. Captive Insurance Companies

Preamble:

The Department of Insurance proposes to adopt Regulation 69-60, Captive Insurance Companies. The purpose of this regulation is to provide additional structure to regulatory framework established with passage of 2000 S.C. Act 331.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Wednesday, December 13, 2000, at 3:00 p.m. in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested persons should submit their views in writing to: David E. Belton, South Carolina Department of Insurance, Post Office Box 10015, Columbia, South Carolina 29202-3105 on or before Friday, December 1, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The Department of Insurance is proposing this regulation to provide additional structure to regulatory framework established with passage of 2000 S.C. Act 331.

Summary of Preliminary Assessment Report:

The adoption of this Regulation will not result in substantial economic impact

Text:

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

Document No. 2581
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2), 1-23-110, et seq., 38-47-10, et seq.

69-1. Adjustment of Claims Under Unusual Circumstances

Preamble:

The Department of Insurance proposes to amend Regulation 69-1, Adjustment of Claims Under Unusual Circumstances. The purpose of this amendment is to clarify what determines an unusual circumstance or catastrophe in the event of a specific, infrequent, and sudden natural or manmade disaster or phenomenon.

Preliminary Fiscal Impact Statement:

No additional state funding requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on December 13, 2000 at 11:00 A.M. at 1205 Pendleton Street, Columbia, South Carolina 29202. Interested parties should submit their views in writing to: David E. Belton, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before December 1, 2000.

Statement of Need and Reasonableness:

The Department of Insurance is proposing this amendment to Regulation 69-1 to provide guidance and clarification as to what constitutes an unusual circumstance and/or catastrophe.

Summary of Preliminary Assessment Report:

The amendment to this Regulation will not result in substantial economic impact.

54 PROPOSED REGULATIONS

Text:

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

Document No. 2580
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110(2), 1-23-110, et seq., 38-78-110.

69-61. Service Contracts

Preamble:

The Department of Insurance is drafting Regulation 69-61 to establish rules and standards for service contracts marketed in the state of South Carolina.

Preliminary Fiscal Impact Statement: No additional state funding is requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Friday, December 15, 2000, at 9:00 a.m. in the Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina. Interested persons should submit their views in writing to: David E. Belton, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Friday, December 1, 2000.

Statement of Need and Reasonableness:

This regulation is to provide additional detail to the requirements of 2000 S.C. Act 330. It establishes rules and standards for service contracts marketed in the state of South Carolina.

Text:

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

Document No. 2575
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA STATE BOARD OF ACCOUNTANCY
CHAPTER 1
STATUTORY AUTHORITY: 1976 CODE SECTIONS 40-2-140 AND 380

Preamble:

The proposed regulations will conform the practices of the Board of Accountancy with the provisions of 2000 Act 274, including provisions for use of the abbreviation "EA", acceptance of experience under a public accountant, and provisions concerning forms of practice of public accountants and accounting

practitioners. The proposed regulations will clarify the provisions for forms of practice, contingent fees and commissions by providing a definition of the term licensee.

Section by Section Discussion: The following is a section by section discussion of the new requirements:

Regulation 1-01. Definition of Firm and Licensee; Definition of Holding Out; Firms Jointly Owned by Certified Public Accountants and Public Accountants.

- A. Defines "Licensee".
- B. No change.
- C. No change.
- D. Removes restrictions on ownership of accounting practitioner firms.

Regulation 1-07. Experience Required in Addition to Examination.

- A. Reinstates acceptability of experience under public accountants.
- B. No change.
- C. No change.
- D. No change.
- E. No change.

Regulation 1-21. Other Responsibilities and Practices.

- A. No change.
- B. No change.
- C. No change.
- D. Establishes restrictions on ownership of firms of Public Accountants and firms of Accounting Practitioners.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on Thursday, December 14, 2000. Written comments may be directed to Mr. Robert W. Wilkes, Jr., Administrator, Board of Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday November 27, 2000.

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To clarify existing regulations for forms of practice, contingent fees and commissions, so as to conform with the professional standards of the American Institute of Certified Public Accountants and the National Association of Boards of Accountancy.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 2, Section 140; Title 40, Chapter 2, Section 380.

56 PROPOSED REGULATIONS

Plan for Implementation: Administratively, the Board will see that these practices are implemented by informing the licensees through written communications and newsletters. The Board will then see that the regulations are enforced through audits and investigations of complaints.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: In order to conform with current law and professional standards, these regulations should be revised. Both licensees and the public will benefit from the elimination of uncertainty and potential conflicts.

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

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

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. 2576
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11
Statutory Authority: 1976 Code Section 40-3-250

Preamble:

The Board of Architectural Examiners is proposing regulations to establish continuing education requirements for license renewal.

Section by Section Discussion:

The Board of Architectural Examiners is proposing regulations to establish continuing education requirements for license renewal. The following is a section by section discussion of the new requirements:

Section 11-1. Adds definitions for "Continuing Education Hour" and "Contact hour."

Section 11-8. Adds the requirement for completion of continuing education hours annually for license renewal.

Section 11-8.1. Sets forth exemptions to the requirement to obtain continuing education hours for license renewal, sets forth the number of required hours, describes the manner of obtaining credits, establishes the first reporting period and the manner of reporting, establishes a carry-over period of one year, provides for verification of continuing education hours by audit and period of time registrants must retain proof of continuing education;

provides a period of time for a registrant to substantiate continuing education hours disallowed or earn other credit.

Notice of Public Hearing and Opportunity for Public Comments:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 11:00 a.m. on Thursday, December 14, 2000. Written comments may be directed to Ms. Jan B. Simpson, Administrator, Board of Architectural Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11419, Columbia, South Carolina 29211-1419, no later than 5:00 p.m., on Monday, November 27, 2000 .

Preliminary Fiscal Impact Statement: There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To ensure continued professional competency of practicing architects.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 3, Section 250.

Plan for Implementation: Administratively, the Board will see that these practices are implemented by informing the licensees through written communications and newsletters. The Board will also see that the regulations are enforced through inspections and audits.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These regulations need revision in order to ensure continued professional competence of practicing architects and to conform with the requirements of 2000 Act 296. Compliance with these regulations will provide up-to-date information which will assist the Board to better carry out its legislative mandate to regulate the practice of architecture.

DETERMINATION OF COSTS AND BENEFITS: There will be no recurring cost incurred by the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

Text:

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

58 PROPOSED REGULATIONS

Document No. 2574
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA AUCTIONEERS' COMMISSION
CHAPTER 14
STATUTORY AUTHORITY: 1976 CODE SECTION 40-6-60

Preamble:

The South Carolina Auctioneers' Commission is drafting regulations to be consistent with the recently enacted practice act. The proposed regulations will include, but are not limited to, provisions for examination, renewal of licenses, apprenticeships, advertising, and professional standards as well as provisions for declaratory rulings, changes of address and other procedures before the Commission. The proposed regulations will not include language from the current regulations which repeat the language of the enabling statute.

SECTION BY SECTION DISCUSSION:

The South Carolina Auctioneers' Commission is repealing current regulations in its entirety. The following is a section by section discussion of the new requirements:

Regulation 14-1. Examinations.
Sets the requirements for examination.

Regulation 14-2. Reporting Continuing Education.
Establishes the requirements for the reporting of continuing education.

Regulation 14-3. Change of Address.
Establishes the requirement that licensees shall notify the Commission of a change of address.

Regulation 14-4. Display of License.
Establishes the requirement that all licensees display their license at their business address and carry the pocket card when conducting auction business.

Regulation 14-5. Advertising.
Establishes the guidelines for advertising.

Regulation 14-6. Allowing Unlicensed Bid Callers.
Prohibits licenses from allowing an unlicensed bid caller (auctioneer) to cry bids at an auction.

Regulation 14-7. Professional Standards.
Establishes professional standards for licensees to provide that disciplinary action can be taken against any licensee who shows incompetence or unprofessional conduct.

Regulation 14-8. Falsification of Documents.
Establishes the authority for refusal of license due to falsification of application and for disciplinary action against a licensee who assists in falsification of application.

Regulation 14-9. Declaratory Rulings.
Establishes disposal of requests of statutory provisions or Commission rulings.

Regulation 14-10. Promulgation, Amendment, Repeal of Rules.
Establishes repeal method for an individual affected by a Commission ruling.

Regulation 14-11. Written Agreements Relating to Auctions
Establishes the Commission's authority to review written agreements or records of an auction.

Regulation 14-12. Late Fees.
Establishes the fee for renewals filed after June 30 each year.

Regulation 14-13. Conditions for Apprentice; Exceptions.
Establishes the requirements for apprenticeships and exceptions.

Regulation 14-14. Duplicate Wall or Pocket Card License; Fees.
Establishes the requirement for obtaining duplicate licenses and payment of fees.

Regulation 14-15. Supervisor of Apprentice Auctioneer.
Establishes requirements for a supervisor of an apprentice auctioneer.

Regulation 14-16. Auctioneer, Apprentice Prohibited From Working For Unlicensed Firm; Exception; Penalty.
Prohibits licensees from working for unlicensed firms; cites exceptions and penalties.

Regulation 14-17. License Certification.
Establishes the Commission's authority to certify valid licenses.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 1:30 p.m. on Thursday, December 14, 2000. Written comments may be directed to Lou Ann Pyatt, Administrator, South Carolina Auctioneers' Commission, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday, November 27, 2000.

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To ensure that the provisions of the recently enacted practice act are carried out by promulgation of regulations.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 6, Section 60.

Plan for Implementation: Administratively, the Commission will see that these practices are implemented by informing the licensees through written communications and newsletters. The Commission will then see that the regulations are enforced through audits and investigations.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These regulations need revision in order to comply with the new statutory requirements and procedures.

60 PROPOSED REGULATIONS

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

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

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. 2577
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING
CHAPTER 91
Statutory Authority: 1976 Code Sections 40-33-10(g); 40-33-220(11); 40-33-270

Preamble:

The State Board of Nursing is drafting a regulation that would allow nurse practitioners with prescriptive authority to provide drug samples to patients when acting within the scope and standards of their practice.

Section by Section Discussion:

91-6(k). Standards for Authorized Prescription by the Nurse Practitioner with Prescriptive Authority.

This regulation will allow nurse practitioners with prescriptive authority to provide drug samples to patients when acting within the scope and standards of their practice.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on Thursday, December 14, 2000. Written comments may be directed to Donald W. Hayden, Acting Administrator, Board of Nursing, Department of Labor, Licensing and Regulations, Post Office Box 12367, Columbia, South Carolina 29211-2367, no later than 5:00 p.m., Monday, November 27, 2000.

Preliminary Fiscal Impact Statement: There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness: This regulation is necessary in order to enhance the availability of appropriate drug therapies for all patients of health care providers in this State.

DESCRIPTION OF REGULATION:

Purpose: This regulation will allow nurse practitioners who hold prescriptive authority to provide drug samples to patients when acting within the scope and standards of their practice so that the availability of appropriate drug therapies is enhanced for all patients of health care providers in this State.

Legal Authority: 1976 Code Title 40, Chapter 33, Section 10(g); Title 40, Chapter 33, Section 220(11); Title 40, Chapter 33, Section 270.

Plan for Implementation: Administratively, the Board will notify all licensees through written and oral communication.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATON BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: This regulation is necessary in order to enhance the availability of appropriate drug therapies for all patients of health care providers in this State.

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

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

EFFECT OF ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment. The public health in this State will be improved by allowing nurse practitioners who hold prescriptive authority to provide drug samples to patients when acting within the scope and standards of their practice so that the availability of appropriate drug therapies is enhanced for all patients of health care providers in this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment. The public health of this State will be adversely affected if the regulation is not implemented due to the inability of nurse practitioners with prescriptive authority to provide appropriate drug therapies for all patients of health care providers in this State.

Text:

91-6(k). Standards for Authorized Prescriptions by the Nurse Practitioner with Prescriptive Authority.

6. The nurse practitioner who holds prescriptive authority may request, receive, and sign for professional samples, except for controlled substances in Schedules II through IV, and may distribute professional samples to patients in compliance with appropriate federal and state regulations.

Document No. 2578

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING**

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-33-270 and 40-1-70(9)

Preamble:

The State Board of Nursing is drafting a regulation that would require licensed nurses to be clearly identified as officially licensed or recognized by the Board of Nursing.

62 PROPOSED REGULATIONS

Section by Section Discussion:

91-9.5. Official Identification

This regulation will require licensed nurses to be clearly identified as officially licensed or recognized by the Board of Nursing by wearing an identification badge or other adornment.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 3:00 p.m. on Thursday, December 14, 2000. Written comments may be directed to Donald W. Hayden, Acting Administrator, Board of Nursing, Department of Labor, Licensing and Regulations, Post Office Box 12367, Columbia, South Carolina 29211-2367, no later than 5:00 p.m., on Monday, November 27, 2000.

Preliminary Fiscal Impact Statement: There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness: This regulation is necessary in order to ensure that patients are informed of the identity of persons providing care as officially licensed or recognized nurses.

DESCRIPTION OF REGULATION:

Purpose: This regulation will require licensed nurses to be clearly identified as officially licensed or recognized by the Board of Nursing by wearing an identification badge or other adornment.

Legal Authority: 1976 Code Title 40, Chapter 33, Section 270; Title 40, Chapter 1, Section 70(9).

Plan for Implementation: Administratively, the Board will notify all licensees through written and oral communication.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATON BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: This regulation is necessary in order to ensure that patients are informed of the identity of persons providing care as officially licensed or recognized nurses.

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

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

EFFECT OF ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment. The public health in this State will be improved by ensuring that patients are informed of the identity of persons providing care as officially licensed or recognized nurses.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment. The public health of this State will be adversely affected if the regulation is not implemented due to uncertainty as to the identity and qualifications of persons providing nursing care without being properly identified as officially licensed or recognized by the Board of Nursing, as required by law.

Text:

91-9.5. Official Identification.

A licensed nurse must clearly identify himself or herself as officially licensed or recognized by the Board of Nursing. A licensed nurse shall wear a clearly legible identification badge or other adornment at least one inch by three inches in size bearing the nurse's name and title as officially licensed or recognized.

Document No. 2579
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137
Statutory Authority: 1976 Code Section 40-60-60

Preamble:

The Real Estate Appraisers Board is drafting regulations to be consistent with the recently enacted practice act. The proposed regulations include, but are not limited to, new provisions for mass appraiser qualifications and licensure as well as revision of current regulations codified at South Carolina Regulations Chapter 137. The revision of current regulations includes deleting repetitious language that is in the statute.

Section by Section Discussion:

The Real Estate Appraisers Board is repealing current regulations in their entirety. The following is a section by section discussion of the new requirements:

Regulation 137-100.01. Appraisal Experience Point System.

Establishes a requirement that a point system be used by the board to evaluate the appraisal experience of applicants.

Regulation 137-100.02. Qualifications.

Establishes the requirements that must be met in order for an applicant to become a state apprenticed, licensed or certified appraiser.

Regulation 137-100.03. Residential Appraisal Categories.

Establishes the categories for residential appraisals.

Regulation 137-100.04. Residential Point Values.

Establishes a point values system to be used by the board when evaluating residential appraisal experience.

Regulation 137-100.05. Nonresidential Point Values.

Establishes a point values system to be used by the board when evaluating nonresidential appraisal experience.

Regulation 137-100.06. Nonresidential Appraisal Categories.

Establishes categories for nonresidential appraisal.

Regulation 137-100.07. Other Appraisal Experience.

Establishes other types of appraisal experience.

Regulation 137-200.01. Mass Appraisal Activity.

Establishes different types of mass appraisal activity.

64 PROPOSED REGULATIONS

Regulation 137-200.02. Residential Mass Appraisals.

Establishes the different categories of appraiser involvement and the point values assigned when evaluating residential mass appraisals.

Regulation 137-200.03. Nonresidential Mass Appraisals.

Establishes the different categories of appraiser involvement and the point values assigned when evaluating nonresidential mass appraisal experience.

Regulation 137-200.04. Mass Appraisal Experience Verification.

Establishes the requirement that persons claiming mass appraisal experience must provide a statement of verification of the experience claimed.

Regulation 137-500.01. Continuing Education.

Establishes the continuing education requirements for all appraisers , including apprentice appraisers.

Regulation 137-800.03. Fee Schedule.

Fee schedule available on request.

Regulation 137-900.01. Educational Providers-Approval Required.

Establishes requirements for approval of all educational providers.

Regulation 137-900.02. Exemption from Regulation

Establishes exemption for approval of courses offered as part of a degree program by an accredited college or university or a technical community, or junior college as long as the hours and subject matter are equivalent to those specified by the Board.

Regulation 137-900.03. Providers of Courses.

Establishes approval guidelines for providers of courses that are offered by an accredited college or university or a technical, community, or junior college but which are not part of a degree program.

Regulation 137-900.04. Application for Provider Approval.

Establishes requirements for approval of provider applications.

Regulation 137-900.05. Curriculum and Attendance.

Establishes the requirements for course curriculum and attendance.

Regulation 137-900.06. Renewal of Providers, Instructors, and courses.

Establishes requirements for renewals of providers, instructors, and courses.

Regulation 137-900.07. Enrollment Agreement Requirements.

Establishes requirements for Enrollment Agreements.

Regulation 137-900.08. Other Operating Procedures.

Establishes requirements for teaching methods, facilities and equipment, advertising, audits, and record keeping.

Regulation 137-900.09. Instructor Approval Requirements.

Establishes requirements and guidelines for board-approved instructors.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 a.m. on Monday, December 11, 2000. Written comments may be directed to Robert L. Selman, Administrator, Board of Real Estate Appraisers, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday, November 27, 2000.

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Regulations will assist in protecting the public by clarifying and further defining the real estate appraisers practice act.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 60, Section 60.

Plan for Implementation: Administratively, the Board will see that these practices are implemented by informing the licensees through written communications and newsletters. The Board will then see that the regulations are enforced through audits and investigations.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These regulations need revision in order to comply with the new statutory requirements and procedures.

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

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

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.

66 PROPOSED REGULATIONS

Document No. 2561
DEPARTMENT OF REVENUE
CHAPTER 17

Statutory Authority: 1976 Code Section 12-4-320

Regulation: 117-124.22. To provide a definition of facility for purposes of Chapter 37 of Title 12.

Preamble:

The term “facility” is used several times in Chapter 37 of Title 12. For example, several of the property tax exemptions contained in Code Section 12-37-220 require a taxpayer’s location qualify as a certain type of “facility”. The statute does not define the term “facility”.

Discussion

The regulation provides that generally each separate location of a taxpayer’s operations is a single facility. However, if a taxpayer conducts more than one activity at a single location, each separate activity conducted at the location will be treated as a separate facility if the activities each have their own separate dedicated staff and personnel, the employment for an activity is significant when compared to the total employment at the location and separate reports concerning profit and loss, employees and other matters, can be separately prepared for each of the activities. It is irrelevant whether separate reports are actually prepared for each separate activity. If separate reports can be prepared, this last criteria will be met.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building (1205 Pendleton Street) on the Capital Complex in Columbia, SC for Tuesday, December 19, 2000 at 10:00 am if the requests for a hearing meets the requirements of Code Section 12-23-110(A)(3). The public hearing, if held, will address a proposal by the Department of Revenue to add SC Regulation 117-124.22 to provide a definition of facility to be used for purposes of Chapter 37 of Title 12. The regulation provides that as a general rule a facility is a single physical location, where a taxpayer’s business is conducted or where its services or industrial operations are performed. Where two or more distinct and separate economic activities are performed at a single physical location, each separate economic activity will be treated as a separate “facility” when: (1) each activity has its own separate and dedicated personnel; (2) separate reports can be prepared on the numbers of employees, their wages and salaries, sales, or receipts and expenses; (3) and employment and output are significant as to the activity. For purposes of item (2) above, it is irrelevant if separate reports are actually prepared, so long as separate reports can be prepared, this criteria is met. At present, there is no definition of facility in Chapter 37 of Title 12 although the word “facility” is used in Chapter 37.

Comments:

All comments concerning this proposal should be mailed to the following address by December 1, 2000:

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

Preliminary Impact Statement:

The impact of this regulation will be determined by the clarification of the definition of “facility” which may result in taxpayers qualifying for benefits in Title 12. The revenue impact should be negligible.

Summary of the Preliminary Assessment Report:

The term “facility” is used several times in Chapter 37 of Title 12. For example, several of the property tax exemptions contained in Code Section 12-37-220 require a taxpayer’s location qualify as a certain type of “facility”. The statute does not define the term “facility”. The revenue impact should be negligible.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The term “facility” is used several times in Chapter 37 of Title 12. For example, several of the property tax exemptions contained in Code Section 12-37-220 require a taxpayer’s location qualify as a certain type of “facility”. The statute does not define the term “facility”.
2. The regulation is needed due to the fact that there is no definition for “facility” in the statutes.
3. The regulation will benefit the public and local government since it will provide a definition to be used as guidance . Any cost associated with this regulation would be negligible.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.
10. The proposed regulation would not have any effect on the environment and public health.
11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

Text:

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

68 PROPOSED REGULATIONS

Document No. 2562

DEPARTMENT OF REVENUE

CHAPTER 17

Statutory Authority: 1976 Code Section 12-4-320

Regulation: 117-160.5. To provide a definition of facility for purposes of Chapter 36 of Title 12.

Preamble:

The term “facility” is used in Chapters 36 of Title 12. For example, in order to qualify for the \$300 sales tax cap on the sale of research and development machinery which is contained in South Carolina Code Section 12-36-2110(D), the machinery must be located in a separate facility devoted exclusively to research and development. The statute does not define the term “facility.”

Discussion

The regulation provides that generally each separate location of a taxpayer’s operations is a single facility. However, if a taxpayer conducts more than one activity at a single location, each separate activity conducted at the location will be treated as a separate facility if the activities each have their own separate dedicated staff and personnel, the employment for an activity is significant when compared to the total employment at the location and separate reports concerning profit and loss, employees and other matters, can be separately prepared for each of the activities. It is irrelevant whether separate reports are actually prepared for each separate activity. If separate reports can be prepared, this last criteria will be met.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building (1205 Pendleton Street) on the Capital Complex in Columbia, SC for Tuesday, December 19, 2000 at 1:00 pm if the requests for a hearing meets the requirements of Code Section 12-23-110(A)(3). The public hearing, if held, will address a proposal by the Department of Revenue to add SC Regulation 117-160.5 to provide a definition of facility to be used for purposes of Chapter 36 of Title 12. The regulation provides that as a general rule a facility is a single physical location, where a taxpayer’s business is conducted or where its services or industrial operations are performed. Where two or more distinct and separate economic activities are performed at a single physical location, each separate economic activity will be treated as a separate “facility” when: (1) each activity has its own separate and dedicated personnel; (2) separate reports can be prepared on the numbers of employees, their wages and salaries, sales, or receipts and expenses; (3) and employment and output are significant as to the activity. For purposes of item (2) above, it is irrelevant if separate reports are actually prepared, so long as separate reports can be prepared, this criteria is met. At present, there is no definition of facility in Chapter 36 of Title 12 although the word “facility” is used in Chapter 36.

Comments: All comments concerning this proposal should be mailed to the following address by December 1, 2000:

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

Preliminary Impact Statement:

The impact of this regulation will be determined by the clarification of the definition of “facility” which may result in taxpayers qualifying for benefits in Title 12. The revenue impact should be negligible.

Summary of the Preliminary Assessment Report:

The term “facility” is used in Chapters 36 of Title 12. For example, in order to qualify for the \$300 sales tax cap on the sale of research and development machinery which is contained in South Carolina Code Section 12-36-2110(D), the machinery must be located in a separate facility devoted exclusively to research and development. The statute does not define the term “facility.”

The revenue impact should be negligible.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The term “facility” is used in Chapters 36 of Title 12. For example, in order to qualify for the \$300 sales tax cap on the sale of research and development machinery which is contained in South Carolina Code Section 12-36-2110(D), the machinery must be located in a separate facility devoted exclusively to research and development. The statute does not define the term “facility.”

2. The regulation is needed due to the fact that there is no definition for “facility” in the statutes.

3. The regulation will benefit the public and local government since it will provide a definition to be used as guidance . Any cost involved in this regulation would be negligible.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.

10. The proposed regulation would not have any effect on the environment and public health.

11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

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.

70 PROPOSED REGULATIONS

Document No. 2563

DEPARTMENT OF REVENUE

CHAPTER 17

Statutory Authority: 1976 Code Section 12-4-320

Regulation: 117-80.5. To provide a definition of facility for purposes of Chapter 6 of Title 12.

Preamble:

The term “facility” is used a number of places in Chapter 6 of Title 12. For example, in order to qualify for the South Carolina jobs tax credit contained in Code Section 12-6-3360, a taxpayer must operate a manufacturing, tourism, processing, warehousing, distribution, research and development, corporate office, or qualifying service related “facility”. While the statute defines each of the different types of facilities it does not provide a definition as to what qualifies as a “facility”. Similarly, the South Carolina headquarters credit, references “facility” in its definition of corporate headquarters”.

Discussion

The regulation provides that generally each separate location of a taxpayer’s operations is a single facility. However, if a taxpayer conducts more than one activity at a single location, each separate activity conducted at the location will be treated as a separate facility if the activities each have their own separate dedicated staff and personnel, the employment for an activity is significant when compared to the total employment at the location and separate reports concerning profit and loss, employees and other matters, can be separately prepared for each of the activities. It is irrelevant whether separate reports are actually prepared for each separate activity. If separate reports can be prepared, this last criteria will be met.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building (1205 Pendleton Street) on the Capital Complex in Columbia, SC for Tuesday, December 19, 2000 at 3:00 pm if the requests for a hearing meets the requirements of Code Section 12-23-110(A)(3). The public hearing, if held, will address a proposal by the Department of Revenue to add SC Regulation 117-80.5 to provide a definition of facility to be used for purposes of Chapter 6 of Title 12. The regulation provides that as a general rule a facility is a single physical location, where a taxpayer’s business is conducted or where its services or industrial operations are performed. Where two or more distinct and separate economic activities are performed at a single physical location, each separate economic activity will be treated as a separate “facility” when: (1) each activity has its own separate and dedicated personnel; (2) separate reports can be prepared on the numbers of employees, their wages and salaries, sales, or receipts and expenses; (3) and employment and output are significant as to the activity. For purposes of item (2) above, it is irrelevant if separate reports are actually prepared, so long as separate reports can be prepared, this criteria is met. At present, there is no definition of facility in Chapter 6 of Title 12 although the word “facility” is used in Chapter 6.

Comments: All comments concerning this proposal should be mailed to the following address by December 1, 2000:

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

Preliminary Impact Statement:

The impact of this regulation will be determined by the clarification of the definition of “facility” which may result in taxpayers qualifying for benefits in Title 12. The revenue impact should be negligible.

Summary of the Preliminary Assessment Report:

The term “facility” is used a number of places in Chapter 6 of Title 12. For example, in order to qualify for the South Carolina jobs tax credit contained in Code Section 12-6-3360, a taxpayer must operate a manufacturing, tourism, processing, warehousing, distribution, research and development, corporate office, or qualifying service related “facility”. While the statute defines each of the different types of facilities it does not provide a definition as to what qualifies as a “facility”. Similarly, the South Carolina headquarters credit, references “facility” in its definition of corporate headquarters”. The revenue impact should be negligible.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The term “facility” is used a number of places in Chapter 6 of Title 12. For example, in order to qualify for the South Carolina jobs tax credit contained in Code Section 12-6-3360, a taxpayer must operate a manufacturing, tourism, processing, warehousing, distribution, research and development, corporate office, or qualifying service related “facility”. While the statute defines each of the different types of facilities it does not provide a definition as to what qualifies as a “facility”. Similarly, the South Carolina headquarters credit, references “facility” in its definition of corporate headquarters”.
2. The regulation is needed due to the fact that there is no definition for “facility” in the statutes.
3. The regulation will benefit the public and local government since it will provide a definition to be used as guidance . Any cost associated with this regulation would be negligible.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.
10. The proposed regulation would not have any effect on the environment and public health.
11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

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.

72 PROPOSED REGULATIONS

Document No. 2573
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 43-1-80

114-1300. General-Food Stamp Program

Preamble:

The Department is proposing to develop new regulations and amend current regulations that will set forth options in the Food Stamp Program. The areas in which new regulations will be developed or amended include the following: (a) deletion of the requirement to close the Food Stamp case when a client moves from one county to another county; (b) adding a provision that would permit the Department to operate a simplified Food Stamp program for Family Independence recipients upon the publishing of eligibility criteria in the Department's Food Stamp Policy Manual; and (c) removing the requirement to sanction the entire family when the head of household fails to comply with Food Stamp Employment and Training participation requirements.

A Notice of Drafting for the proposed amendments was published in the State Register on July 28, 2000. No comments were received.

Section-by-Section Discussion

<u>Section Citation:</u>	<u>Explanation of Change:</u>
114-1300. B	When a food stamp household moves from one county to another within the State, the case will remain open, and the Department will act on any changes resulting from the move.
114-1300. C	The Department may elect to operate a Simplified Food Stamp Program to match the eligibility criteria, including income and resources, for the Family Independence Program.
114-1330. B	Allows the Department to operate a Simplified Food Stamp Program for categorically eligible households.
114-1335. A	Deletes the requirement to sanction the entire family for specified periods of time for failing to comply with the FSE&T program.
114-1335. B	Allows an individual sanctioned in food stamps for a Family Independence violation to cure the sanction by complying with the Family Independence requirement.
114-1335. C	Allows a household sanctioned in food stamps for a Family Independence violation to cure the sanction by having the non-compliant individual comply with the Family Independence requirement.
114-1335. D	Allows the Department to elect, by publication of policy, to disqualify individuals from food stamp benefits who are in arrears on court-ordered child support.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted on December 5, 2000 at 9:30 a.m. at the Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, SC. Written

comments may be directed to Ms. Gwen G. Kuhns, Director, Office of Family Independence, South Carolina Department of Social Services, Post Office Box 1520, Columbia, SC, 29202-1520, no later than 5:00 p.m., on Wednesday, November 22, 2000.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION

Purpose: To improve service delivery to Food Stamp recipients and to allow the Agency flexibility in developing a simplified Food Stamp program.

Legal Authority: Statutory Authority: 1976 S.C. Code Title 43, Chapter 1 Section 80.

Plan for Implementation: Implementation will begin upon the publishing of policy changes and procedural criteria in the Department's Food Stamp Policy Manual.

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

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

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

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

Text

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

74 EMERGENCY REGULATIONS

Filed: September 22, 2000, 4:45 pm

Document No. 2555

DEPARTMENT OF LABOR LICENSING AND REGULATION
BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36

Statutory Authority: 1976 Code Section 40-75-05, et seq.

Emergency Situation:

The Board of Examiners for the licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-educational Specialists seek to ensure that the provisions of the practice act enacted in 1998 are carried out by promulgation of regulations establishing guidelines for the licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists.

Text:

36-04. General Licensing Provisions for Professional Counselor Interns.

An applicant for initial licensure as a professional counselor intern must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) submit evidence of successful completion of a graduate degree with a minimum of forty-eight (48) graduate semester hours primarily in counseling or related discipline from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally-accredited institution of higher learning subsequent to receiving the graduate degree, along with evidence of an earned master's degree, specialist's degree or doctoral degree. On graduate transcript the applicant must demonstrate successful completion of one (1) three-hour graduate level course in each of the following areas:
 - (a) Human growth and development: coursework content providing an understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory, and learning theory (all) within cultural contexts; and
 - (b) Social and cultural foundations: coursework content providing an understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles; and
 - (c) Helping relationships: coursework content providing an understanding of philosophic bases of helping processes, counseling theories and their applications, helping skills, consultation theories and applications, helper self-understanding and self-development, and facilitation of client or consultee change; and
 - (d) Groups: coursework content providing an understanding of group development, dynamics, and counseling theories; group leadership styles, group counseling methods and skills, and other group approaches; and
 - (e) Lifestyle and career development: coursework content providing an understanding of career development theories, occupational and educational information sources and systems, career and leisure counseling, guidance, and education; lifestyle and career decision-making; and career development program planning, resources, and evaluation; and
 - (f) Appraisal: coursework content providing an understanding of group and individual education and psychometric theories and approaches to appraisal, data, and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes; and
 - (g) Research and evaluation: coursework content providing an understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, and ethical and legal considerations; and
 - (h) Professional orientation: coursework content providing an understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing; and

- (i) Psychopathology: coursework content providing an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and
 - (j) Diagnostics: coursework content providing an understanding of the diagnostics of Psychopathology; and
 - (k) Practicum: a minimum of one (1) supervised one hundred fifty (150) hour counseling practicum; and
- (3) submit evidence of a passing score on an examination approved by the Board; and
- (4) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of a passing score on the required examination.

36-05. General Licensing Provisions for Licensed Professional Counselors.

An applicant for licensure as a professional counselor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted professional counselor intern license; and
- (3) submit evidence satisfactory to the Board of a minimum of two thousand (2000) hours of supervised clinical experience in the practice of professional counseling performed over a period of not less than two (2) years under the supervision of a licensed professional counselor supervisor or other qualified licensed mental health practitioner as provided in Section 36-05.1. The experience must include a minimum of one thousand five hundred (1500) hours of direct counseling with individuals, couples, families, or groups and a minimum of one hundred fifty (150) hours spent in immediate supervision with the licensed professional counselor supervisor, including one hundred (100) hours of individual supervision and fifty (50) hours of either individual or group supervision. A maximum of five hundred (500) hours of experience gained prior to the award of a graduate degree may be included in the total required experience; and
- (4) submit evidence that the supervision plan has been completed, including a recommendation by the licensed professional counselor supervisor, on forms approved by the Board.

36-06. General Licensing Provisions for Licensed Professional Counselor Supervisors.

An applicant for licensure as a professional counselor supervisor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted South Carolina Professional Counselor License. For supervisors initially licensed after July 1, 1998, a current South Carolina Professional Counselor License is a requirement for renewal and the lapse of a South Carolina Professional Counselor License shall cause the Professional Counselor Supervisor License to lapse. For supervisors initially licensed prior to July 1, 1998, a current South Carolina Professional Counselor License is not required for the continuation of supervisory activities under a current supervisor's license; however, the supervisor may not also engage in the practice of Professional Counseling unless a current, active, and unrestricted Professional Counselor License is first obtained; and
- (3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application. Continuous clinical experience is any counseling experience gained as in certification by the National Board for Certified Counselors (NBCC), National Association of Alcoholism and Drug Abuse Counselors (NAADAC), or South Carolina Association of Alcoholism and Drug Abuse Counselors (SCAADAC) or a licensed professional counselor; and
- (4) submit evidence acceptable to the Board of at least two (2) years supervising the clinical casework of other NBCC, NAADAC, or SCAADAC certified counselors or licensed counselors; and
- (5) submit evidence of a minimum of thirty-six (36) hours of individual supervision, by a Board licensed supervisor, of the applicant's supervision of at least two (2) licensed professional counselor interns; and
- (6) submit evidence of a minimum of thirty (30) contact hours of formal academic training or continuing education in supervision oriented to their discipline.

36-07. General Licensing Provisions for Marriage and Family Therapy Interns.

An applicant for initial licensure as a marriage and family therapy intern must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) submit evidence of successful completion of a minimum of forty-eight (48) graduate semester hours in marriage and family therapy from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one (1) of its transferring regional associations, the Association of

76 EMERGENCY REGULATIONS

Theological Schools in the United States and Canada, a post-degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree, along with evidence of an earned master's degree, specialist's degree, or doctoral degree. The applicant must demonstrate successful completion of:

(a) a minimum of nine (9) graduate semester hours in theoretical foundations. The coursework content in this area must enable students to conceptualize and distinguish the critical epistemological issues in marriage and family therapy. The material in this area must be related conceptually to clinical concerns. The applicant must demonstrate completion of an introductory course including historical development, theoretical foundations, and contemporary conceptual directions in the field of marriage and family therapy of at least three (3) graduate semester hours as part of this requirement; and

(b) a minimum of fifteen (15) graduate semester hours in clinical practice. The coursework content in this area must address marriage and family therapy practice and be related conceptually to theory. Coursework in this area must focus on assessment, including marriage and family therapy methods and major mental health assessment methods and instruments, and must provide a comprehensive survey and substantive understanding of the major models of marriage and family therapy, as well as address a wide variety of clinical problems. Coursework must educate students about appropriate collaboration with related disciplines, and must include three (3) semester hours of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics or treatment of abnormal behavior, and three (3) semester hours of diagnostics of psychopathology; and

(c) a minimum of six (6) graduate semester hours in individual development and family relations. The coursework content in this area must include significant material on individual development, family development, and family relationships. Coursework must include significant material on issues of sexuality as it relates to marriage and family therapy theory and practice. Sexual dysfunctions and difficulties, as well as individual development, gender, multi-cultural and sexual orientation, as related to marriage and family therapy theory and practice must be included; and

(d) a minimum of three (3) graduate semester hours in professional identity, legal, and ethical issues. The coursework in this area must include information about legal responsibilities and liabilities in the practice of marriage and family therapy. The coursework must include research, family law, confidentiality issues, and codes of ethics; and

(e) a minimum of three (3) graduate semester hours in research. The coursework content in this area must include significant material on research in marriage and family therapy. This area must focus on research methodology, data analysis, and the evaluation of research; and

(f) a minimum of nine (9) graduate semester hours in clinical experience. The coursework content in this area must include client contact and clinical supervision with individuals, couples, and families in a clinical setting. The clinical experience must include a minimum of three hundred (300) hours of face to face client contact, one half (1/2) of which must be relational. A minimum of fifty (50) hours of clinical supervision must be provided by a marriage and family therapy supervisor; and

(3) submit evidence of a passing score on an examination approved by the Board; and

(4) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of a passing score on the required examination.

36-08. General Licensing Provisions for Marriage and Family Therapists.

An applicant for licensure as a Marriage and Family Therapist must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted Marriage and Family Therapy Intern license unless applying under the provisions of Section 36-11; and

(3) submit evidence satisfactory to the Board of a minimum of twelve hundred (1200) hours of supervised clinical experience in the practice of marriage and family therapy performed over a period of not less than two (2) years under the supervision of a licensed marriage and family therapy supervisor. The experience must include a minimum of one thousand (1000) hours of direct client contact with individuals, couples, families, or groups and a minimum of two hundred (200) hours spent in immediate supervision with the licensed marriage and family therapy supervisor, including one hundred (100) hours of individual supervision. A maximum of five hundred (500) hours of experience gained prior to the award of a graduate degree may be included in the total required experience; and

(4) submit evidence that the supervision plan has been completed, including a recommendation by the licensed marriage and family therapy supervisor, on forms approved by the Board.

36-09. General Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.

An applicant for licensure as a marriage and family therapy supervisor must:

(1) submit an application on forms approved by the Board, along with the required fee; and
 (2) hold a current, active, and unrestricted South Carolina Marriage and Family Therapy License. For supervisors initially licensed after July 1, 1998, a current South Carolina Marriage and Family Therapy License is a requirement for renewal and the lapse of a South Carolina Marriage and Family Therapy License shall cause the Marriage and Family Therapy Supervisor License to lapse. For supervisors initially licensed prior to July 1, 1998, a current South Carolina Marriage and Family Therapy License is not required for the continuation of supervisory activities under a current supervisor's license; however, the supervisor may not also engage in the practice of Marriage and Family Therapy unless a current, active, and unrestricted Marriage and Family Therapy License is first obtained; and

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application including one hundred eighty (180) hours of clinical supervision under a licensed Marriage and Family Therapy Supervisor; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual supervision of the applicant's supervision of at least two (2) marriage and family therapy interns; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision.

36-10. General Licensing Provisions for Psycho-educational Specialists.

An applicant for initial licensure as a psycho-educational specialist must:

(1) submit an application on forms approved by the Board, along with the required fee; and
 (2) submit evidence of successful completion of an earned master's degree plus thirty (30) graduate semester hours, or an earned sixty (60) graduate semester hour master's degree, or a sixty (60) graduate semester hour specialist's degree, or a doctoral degree in school psychology from an institution of higher education whose program is approved by the National Association of School Psychologists or the American Psychological Association or a program which the Board finds to be substantially equivalent. A substantially equivalent program must include an earned master's, specialist's, or doctoral degree in an applied area of psychology, education, or behavioral sciences from a regionally accredited institution, completion of at least sixty (60) graduate semester hours, and substantial preparation, including coursework, in the following areas:

(a) psychological foundations, including biological bases of behavior; human learning; child and adolescent development; social/cultural bases of behavior; and individual differences (exceptionalities/psychopathology of children and youth); and

(b) educational foundations, including organization and operation of schools; and instructional/remedial design; and

(c) assessment and intervention, including diverse methods of individual assessment that can be linked to intervention; direct intervention including counseling and behavior analysis/intervention; and indirect intervention including a consultation with school personnel and families; and

(d) statistics and research methodologies; and

(e) professional school psychology, including history and foundations of school psychology; legal and ethical issues; professional issues and standards; alternative models of service delivery; emergent technologies; and roles and functions of school psychologists; and

(f) a one-year twelve hundred (1200) hour internship, at least one-half (1/2) of which must be in an approved school setting. The internship shall include a full range of psycho-educational services supervised by a licensed psycho-educational specialist or certified or licensed school psychologist. If a portion of the internship is completed in a non-school setting, supervision may be provided by a psychologist appropriately credentialed for that setting as approved by the Board. The possession of a National Certified School Psychologist (NCSP) credential issued after January 1, 1988 shall be evidence of completion of a satisfactory program as provided above; and

(3) provide evidence satisfactory to the Board of certification by the South Carolina Department of Education in school psychology level II or III; and

78 EMERGENCY REGULATIONS

(4) provide evidence satisfactory to the Board that the applicant has successfully served as a certified school psychologist for at least two (2) years in a school or comparable setting. After January 1, 2000, one (1) year must have been under the supervision of a licensed psycho-educational specialist. One (1) year of experience is defined as full-time employment for one (1) contract year of at least one hundred ninety (190) work days. Two (2) consecutive years of half-time work may, at the discretion of the Board, be deemed to be equivalent to one (1) full year of experience. The experience must include provision of a full range of services to children, youth, and families. Experience acquired under a provisional or temporary certificate in school psychology, or in a pre-degree practicum or internship, may not count toward this experience requirement; and

(5) submit evidence of a passing score on an examination approved by the Board.

36-13. Continuing Education Requirements for Professional Counselors and Marriage and Family Therapists.

(1) Persons licensed as professional counselors or marriage and family therapists shall complete forty (40) hours of continuing education related to their respective professional license during every two-year licensure period. Persons licensed both as professional counselors and marriage and family therapists must complete fifty (50) hours of formal continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, at least twenty-five (25) hours must be related to each discipline. Persons licensed as professional counselor supervisors or marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision of their discipline during every two-year licensure period as a condition of renewal of their license. Persons licensed both as professional counselor supervisors and marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision, at least five (5) hours of which must be in supervision of each discipline. A maximum of fifteen (15) hours may be obtained through informal continuing education, as long as the activity is approved in advance by the Board.

(2) Any formal continuing education activity sponsored by a professional counselor certifying body, marriage and family therapy certifying body, NAADAC, or SCAADAC approved by the Board as a continuing education sponsoring body, or one of its regional or state divisions, is automatically approved for the formal continuing education requirement.

(3) Unapproved sponsoring organizations must request advance approval on Board-approved forms ninety (90) days prior to each continuing education event. In order to request approval, the sponsoring organization must submit an agenda of the session, the curriculum vitae of all presenters and a copy of the evaluation documents.

(4) The Board may approve informal continuing education using the following guidelines:

(a) a first time presentation of a paper, workshop, or seminar for a national, regional, statewide, or other professional meeting may be approved for a maximum of five (5) continuing education hours; and

(b) a published paper in a referred journal may be approved for a maximum of five (5) continuing education hours and may be used only once; and

(c) preparation of a new or related course for an educational institution or organization may be approved for a maximum of five (5) continuing education hours; and

(d) individual self-study to include use of audio-visual materials, reading of professional journals and books, and participation in professional study and discussion groups may be approved based on the number of hours recommended by the sponsoring organization or the number of hours engaged in the activity for a total of fifteen (15) hours during each two-year licensure period.

(5) No hours may be carried forward from the renewal period in which they were earned.

36-14. Continuing Education Requirements for Psycho-educational Specialists.

(1) Persons licensed as psycho-educational specialists shall complete forty (40) hours of continuing education related to their professional licensure during every two-year licensure period.

(2) Continuing education credit may be awarded for documented completion of the following activities:

(a) a minimum of twenty (20) continuing education hours in workshops, conferences, formal in-service training, college or university courses, and teaching and training activities. A maximum of ten (10) hours may be awarded for attendance at workshops, conferences, or in-service training. For teaching and training activities, credit may be awarded only for the first time the content is taught and limited to a maximum of ten (10) hours; or

(b) a maximum of twenty (20) continuing education hours in research and publications, supervision of interns, post-graduate supervised experiences, program planning/evaluation, self-study, and professional

organizational leadership. A maximum of ten (10) hours may be awarded for unpublished research. A maximum of twenty (20) hours may be awarded for research and publication or presentation. A maximum of ten (10) hours may be awarded for articles published or posters presented. Each project may be claimed only once. A maximum of twenty (20) hours may be awarded for supervision of interns. No more than one (1) post-graduate supervised experience may be claimed in any renewal period. A maximum of fifteen (15) hours may be awarded for program planning/evaluation. A maximum of twenty (20) hours may be awarded for self-study. No more than one (1) activity may be counted per organization per year and a maximum of ten (10) hours may be awarded in professional organization leadership.

Statement of Need and Resonableness:

DESCRIPTION OF REGULATION:

Purpose: To ensure that the provisions of the 1998 enacted practice act are carried out by promulgation of regulations establishing guidelines for the licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists.

Legal Authority: 1976 Code Title 40, Chapter 75, Section 05, et seq.

Plan for Implementation: The Board will see that these practices are implemented by informing the licensees through written communication, newsletters, and the LLR web page.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: The need to immediately establish these regulations is to ensure that the provisions of the practice act are carried out by promulgation of regulations establishing guidelines for the licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists.

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

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning these regulations.

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

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

Filed: September 22, 2000, 4:45 pm

Document No. 2554

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106**

Statutory Authority: 1976 Code Section 40-59-70

Emergency Situation:

The Residential Builders Commission has determined that the fees for Residential Builders that were initially established by S.C. Code Ann. §40-59-70(D) should be adjusted to reflect the transfer of responsibility for administering the licensing examination on computer through a testing contractor, effective July 1, 2000. The

80 EMERGENCY REGULATIONS

examination portion of the application fee will be eliminated from the schedule of fees payable to the Commission, because that expense will be paid directly to the testing contractor by the applicant. The special examination fee will be repealed as unnecessary in light of the daily availability being offered. The application fee will remain at \$100.00 to meet the costs of administrative processing. Other established fees will be unchanged.

Text:

106-5. Fees.

A. Residential Builders:

- (1) An application/processing fee of one hundred dollars;
- (2) An oral examination fee of two hundred dollars;
- (3) A residential license fee of one hundred dollars;
- (4) An annual renewal fee of one hundred dollars;
- (5) A late fee of fifty dollars for renewals received after July 31;

(6) An additional renewal fee of one hundred dollars will be required when a renewal is received more than twelve months after expiration of the license.

B. Residential Specialty Contractors:

- (1) A registration fee of twenty dollars;
- (2) An annual renewal fee of twenty dollars;
- (3) A late fee of ten dollars for renewals received after July 31st;

(4) An additional renewal fee of twenty dollars will be required when a renewal is received more than twelve months after expiration of the registration.

C. Other Fees and Penalties:

- (1) A replacement fee of ten dollars for replacing any lost, destroyed, or mutilated residential builders license or registration card;
- (2) A fee of five dollars for furnishing an examinee with a certified copy of the record of his examination grades;
- (3) A fee of twenty five dollars for a duplicate copy of a license when any change is requested by the licensee to the information printed on the license.
- (4) A fee of ten dollars for a duplicate copy of a registration, when any change is requested by the holder to the information printed on the card.

Statement of Need and Reasonableness:

The need to immediately establish these adjusted fee amounts for residential builders is imperative in order to prevent a disruption in the provision of residential building services by the Department and qualified applicants for licensure beginning July 1, 2000.

DESCRIPTION OF REGULATION:

Purpose: The purpose of this regulation is to allow the Residential Builders Commission to implement changes in the fee structure consistent with Section 40-59-70(D) and to meet its financial responsibility, as required by Section 40-1-50(D), in the 2000-2001 fiscal year.

Legal Authority: 1976 Code Title 40, Chapter 59, Section 70

Plan for Implementation: Administratively, the Commission will see that these adjusted fees are implemented by informing individual applicants through written and oral communication and by the promulgation of permanent regulations in accordance with the S.C. Administrative Procedures Act.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: The need to immediately establish these

adjusted fee amounts for residential builders is imperative in order to prevent a disruption in the provision of residential building services by the Department and qualified applicants for licensure beginning July 1, 2000.

DETERMINATION OF COSTS AND BENEFITS: No additional costs incurred by the State or any political subdivision. Examination fees will be paid directly to the testing contractor by applicants. Expected benefit is the improved use of public funds and elimination of staff time in processing examination fees.

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

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

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

82 FINAL REGULATIONS

Document No. 2535

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Chapter 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

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

Synopsis:

The United States Environmental Protection Agency (USEPA), in accordance with Section 111 of the Clean Air Act (CAA), is required to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Section 111 requires the USEPA to promulgate regulations establishing Federal standards of performance for new sources within these categories that reflects the degree of emission limitation achievable through the application of the best system of emission reduction. These standards are generally referred to as Standards of Performance for New Stationary Sources or New Source Performance Standards (NSPS). On October 19, 1976, the USEPA delegated to the State of South Carolina the authority to implement and enforce the NSPS that had been promulgated prior to January 15, 1976. On January 29, 1981, the USEPA again delegated to the State of South Carolina the authority for the NSPS that had been promulgated between January 15, 1976, and January 29, 1981. Since that time, the State of South Carolina has periodically requested and received delegation authority for NSPS.

The Department has amended R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, of the *Air Pollution Control Regulations and Standards*, R.61-62, by adding a list of NSPS for which prior delegation has been granted. These regulations were incorporated in R.61-62.60. Since this revision was consistent with Federal requirements, legislative review was not required. See Discussion below and Statement of Need and Reasonableness herein.

Discussion of Revisions

SECTION CITATION:	EXPLANATION OF CHANGE
Purpose	Section is added.
Subpart A	Subpart A is added and incorporated by reference.
Subparts B through Cb	Subparts B through Cb are reserved.
Subpart Cc	Subpart Cc is amended.
Subparts Cd through Ce	Subparts Cd through Ce are reserved.
Subparts D, Da, Db, Dc, E, Ea, & Eb	Subparts are added and incorporated by reference.
Subpart Ec	Subpart Ec is reserved.
Subparts F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, Aas, BB, CC, DD, & EE	Subparts are added and incorporated by reference.

Subpart FF	Subpart FF is reserved.
Subpart GG & HH	Subparta are added and incorporated by reference.
Subparts II and JJ	Subparts II and JJ are added reserved.
Subparts KK, LL, MM, & NN	Subparts are added and incorporated by reference.
Subpart OO	Subpart OO is reserved.
Subparts PP, Qq, RR, SS, TT, UU, VV, WW, & XX	Subparts are added and incorporated by reference.
Subpart AAA	Subpart AAA is reserved.
Subpart BBB	Subpart BBB is added and incorporated by reference.
Subpart CCC	Subpart CCC is reserved.
Subpart DDD	Subpart DDD is added and incorporated by reference.
Subpart EEE	Subpart EEE is reserved.
Subparts FFF, GGG, HHH, III, JJJ, KKK, & LLL	Subparts are added and incorporated by reference.
Subpart MMM	Subpart MMM is reserved.
Subpart NNN	Subpart NNN is added and incorporated by reference.
Subpart OOO	Subpart OOO is reserved.
Subparts PPP, QQQ, RRR, SSS, TTT, UUU, VVV, & WWW	Subparts are added and incorporated by reference.

Text of Amendment:

R.61-62.60 is replaced in its entirety to read:

AIR POLLUTION CONTROL REGULATIONS AND STANDARDS
REGULATION NUMBER 61-62.60
SOUTH CAROLINA DESIGNATED FACILITY PLAN AND NEW SOURCE PERFORMANCE
STANDARDS

Purpose

The United States Environmental Protection Agency (USEPA), in accordance with Section 111 of the Clean Air Act (CAA), is required to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Section 111 requires the USEPA to promulgate regulations establishing Federal standards of performance for new sources within these categories that reflects the degree of emission limitation achievable through the application of the best system of emission reduction. These standards are generally referred to as Standards of Performance for New Stationary Sources or New Source Performance Standards (NSPS). Under Section 111(d), the USEPA must also establish emission standards for any existing source for which a standard of performance would apply if such existing source were a new source. These sources are generally referred to as designated facilities.

On October 19, 1976, the USEPA delegated to the State of South Carolina the authority to implement and enforce the NSPS that had been promulgated prior to January 15, 1976. Since that time, the State of South Carolina has periodically requested and received delegation of authority for NSPS. The purpose of this regulation is to provide a list of those NSPS for which delegation has been granted. These NSPS are incorporated by reference below and will be periodically revised as future NSPS are delegated. In addition, certain designated facility plans are incorporated by reference in this regulation.

Facilities subject to the regulations listed below may be subject to additional requirements specified elsewhere in Regulation 61-62, Air Pollution Control Regulations and Standards. The word "Administrator" as used in this regulation shall mean the Department of Health and Environmental Control unless the context requires otherwise.

Subparts A - "General Provisions"

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

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

40 CFR Part 60 subpart A	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]

Subparts B - Cb [Reserved]

Subpart Cc - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”

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

40 CFR Part 60 subpart Cc	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 63	February 24, 1999	[64 FR 9261]

Subparts Cd - Ce [Reserved]

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

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

40 CFR Part 60 subpart D	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]

86 FINAL REGULATIONS

40 CFR Part 60 subpart D	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]

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

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

40 CFR Part 60 subpart Da	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]

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

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

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

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

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

40 CFR Part 60 subpart Dc	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]

Subpart E - “Standards of Performance for Incinerators”

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

40 CFR Part 60 subpart E	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20792]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 54	February 14, 1989	[54 FR 6665]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 56	February 11, 1991	[56 FR 5507]

Subpart Ea - “Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994”

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

40 CFR Part 60 subpart Ea	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 56	February 11, 1991	[56 FR 5507]

Subpart Eb - “Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced after June 19, 1996”

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

40 CFR Part 60 subpart Eb	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65419]

Subpart Ec – [Reserved]

88 FINAL REGULATIONS

Subpart F - “Standards of Performance for Portland Cement Plants”

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

40 CFR Part 60 subpart F	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20793]
Revision	Vol. 39	November 12, 1974	[39 FR 39874]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 53	December 14, 1988	[53 FR 50363]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]

Subpart G - “Standards of Performance for Nitric Acid Plants”

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

40 CFR Part 60 subpart G	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 50	April 22, 1985	[50 FR 15894]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]

Subpart H - “Standards of Performance for Sulfuric Acid Plants”

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

40 CFR Part 60 subpart H	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 48	September 29, 1983	[48 FR 44700]
Revision	Vol. 48	October 20, 1983	[48 FR 48669]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]

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

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

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

Subpart J – “Standards of Performance for Petroleum Refineries”

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

40 CFR Part 60 subpart J	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]

Subpart K - “Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978”

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

90 FINAL REGULATIONS

40 CFR Part 60 subpart K	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol 42	April 8, 1987	[52 FR 11429]

Subpart Ka - “Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984”

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

40 CFR Part 60 subpart Ka	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 18, 1980	[45 FR 83229]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 52	April 8, 1987	[52 FR 11429]

Subpart Kb - “Standards of Performance For Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984”

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

40 CFR Part 60 subpart Kb	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 52	April 8, 1987	[52 FR 11429]
Revision	Vol. 52	June 16, 1987	[52 FR 22780]

Subpart L - “Standards of Performance for Secondary Lead Smelters”

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

40 CFR Part 60 subpart L	Federal Register Citation		

	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9317]
Revision	Vol. 39	April 17, 1974	[39 FR 13776]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart M - “Standards of Performance for Secondary Brass and Bronze Production Plants”

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

40 CFR Part 60 subpart M	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 49	October 30, 1984	[49 FR 43618]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart N - “Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973”

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

40 CFR Part 60 subpart N	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9318]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 43	April 13, 1978	[43 FR 15602]
Revision	Vol. 51	January 2, 1986	[51 FR 160]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart Na- “Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983”

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

40 CFR Part 60 subpart Na	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 51	January 2, 1986	[51 FR 161]

92 FINAL REGULATIONS

40 CFR Part 60 subpart Na	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart O - “Standards of Performance for Sewage Treatment Plants”

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

40 CFR Part 60 subpart O	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	March 8, 1974	[39 FR 9319]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	November 10, 1977	[42 FR 58521]
Revision	Vol. 53	October 6, 1988	[53 FR 39416]
Revision	Vol. 54	February 14, 1989	[54 FR 6668]
Revision	Vol. 54	June 27, 1989	[54 FR 27015]

Subpart P - “Standards of Performance for Primary Copper Smelters”

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

40 CFR Part 60 subpart P	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2338]
Revision	Vol. 41	February 26, 1976	[41 FR 8346]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6667]

Subpart Q - “Standards of Performance for Primary Zinc Smelters”

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

40 CFR Part 60 subpart Q	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]

40 CFR Part 60 subpart Q	Federal Register Citation		
	Volume	Date	Notice
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart R - “Standards of Performance for Primary Lead Smelters”

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

40 CFR Part 60 subpart R	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2340]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart S - “Standards of Performance for Primary Aluminum Reduction Plants”

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

40 CFR Part 60 subpart S	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 45	June 30, 1980	[45 FR 44207]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart T - “Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants”

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

40 CFR Part 60 subpart T	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33154]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6669]

Subpart U - “Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants”

94 FINAL REGULATIONS

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

40 CFR Part 60 subpart U	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]

Subpart V - "Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants"

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

40 CFR Part 60 subpart V	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33155]
Revision	Vol. 42	July 25, 1977	[42 FR 37937]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]

Subpart W - "Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants"

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

40 CFR Part 60 subpart W	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	February 17, 1983	[48 FR 7129]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart X - "Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities"

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

40 CFR Part 60 subpart X	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 40	August 6, 1975	[40 FR 33156]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 54	February 14, 1989	[54 FR 6670]

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

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

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

Subpart Z - “Standards of Performance for Ferroalloy Production Facilities”

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

40 CFR Part 60 subpart Z	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 41	May 4, 1976	[41 FR 18501]
Revision	Vol. 41	May 20, 1976	[41 FR 20659]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	January 27, 1983	[42 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]

Subpart AA - “Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and on or Before August 17, 1983”

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

40 CFR Part 60 subpart AA	Federal Register Citation

96 FINAL REGULATIONS

	Volume	Date	Notice
Original Promulgation	Vol. 40	September 23, 1975	[40 FR 43852]
Revision	Vol. 49	October 31, 1984	[49 FR 43843]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart AAa - “Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983”

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

40 CFR Part 60 subpart AAa	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	October 31, 1984	[49 FR 43845]
Revision	Vol. 54	February 14, 1989	[54 FR 6672]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart BB - “Standards of Performance for Kraft Pulp Mills”

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

40 CFR Part 60 subpart BB	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]

Subpart CC - “Standards of Performance for Glass Manufacturing Plants”

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

40 CFR Part 60 subpart CC	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	October 7, 1980	[45 FR 66751]
Revision	Vol. 49	October 19, 1984	[49 FR 41035]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart DD - “Standards of Performance for Grain Elevators”

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

40 CFR Part 60 subpart DD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 52	November 5, 1988	[54 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]

Subpart EE - “Standards of Performance for Surface Coating of Metal Furniture”

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

40 CFR Part 60 subpart EE	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	October 29, 1982	[47 FR 49287]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]

Subpart FF - (Reserved)

Subpart GG - “Standards of Performance for Stationary Gas Turbines”

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

40 CFR Part 60 subpart GG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]

Subpart HH - “Standards of Performance for Lime Manufacturing Plants”

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

98 FINAL REGULATIONS

40 CFR Part 60 subpart HH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	April 26, 1984	[49 FR 18080]
Revision	Vol. 52	February 17, 1987	[52 FR 4773]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]

Subpart II and JJ - (Reserved)

Subpart KK - “Standards of Performance for Lead-Acid Battery Manufacturing Plants”

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

40 CFR Part 60 subpart KK	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16573]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]

Subpart LL - “Standards of Performance for Metallic Mineral Processing Plants”

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

40 CFR Part 60 subpart LL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	February 21, 1984	[49 FR 6464]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]

Subpart MM - “Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations”

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

40 CFR Part 60 subpart MM	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	December 24, 1980	[45 FR 85415]

Subpart NN - “Standards of Performance for Phosphate Rock Plants”

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

40 CFR Part 60 subpart NN	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16589]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart OO - (Reserved)

Subpart PP - “Standards of Performance for Ammonium Sulfate Manufacture”

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

40 CFR Part 60 subpart PP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 45	November 12, 1980	[45 FR 74850]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]

Subpart QQ - “Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing”

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

40 CFR Part 60 subpart QQ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 8, 1982	[45 FR 50649]

Subpart RR - “Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations”

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

40 CFR Part 60 subpart RR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48375]

Subpart SS - “Standards of Performance for Industrial Surface Coating: Large Appliances”

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

100 FINAL REGULATIONS

40 CFR Part 60 subpart SS	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	October 27, 1982	[47 FR 47785]

Subpart TT - “Standards of Performance for Metal Coil Surface Coating”

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

40 CFR Part 60 subpart TT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 48	January 10, 1983	[48 FR 1056]

Subpart UU - “Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture”

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

40 CFR Part 60 subpart UU	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	August 6, 1982	[47 FR 34143]
Revision	Vol. 5	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]

Subpart VV - “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry”

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

40 CFR Part 60 subpart VV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 49	May 30, 1984	[49 FR 22607]
Revision	Vol. 49	June 29, 1984	[49 FR 26738]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]

Subpart WW - “Standards of Performance for the Beverage Can Surface Coating Industry”

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

40 CFR Part 60 subpart WW	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]

Subpart XX - “Standards of Performance for Bulk Gasoline Terminals”

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

40 CFR Part 60 subpart XX	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 48	August 18, 1983	[48 FR 37590]
Revision	Vol. 48	December 22, 1983	[48 FR 56580]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

Subpart AAA - [Reserved]

Subpart BBB - “Standards of Performance for the Rubber Tire Manufacturing Industry”

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

40 CFR Part 60 subpart BBB	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 52	September 15, 1987	[52 FR 34874]
Revision	Vol. 52	October 9, 1987	[52 FR 37874]
Revision	Vol. 54	September 19, 1989	[54 FR 38635]

Subpart CCC - (Reserved)

Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry”

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

40 CFR Part 60 subpart DDD	Federal Register Citation		
	Volume	Date	Notice

102 FINAL REGULATIONS

40 CFR Part 60 subpart DDD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	December 11, 1990	[55 FR 51035]
Revision	Vol. 56	March 5, 1991	[56 FR 9178]
Revision	Vol. 56	March 22 1991	[56 FR 12299]

Subpart EEE - (Reserved)

Subpart FFF - “Standards of Performance for Flexible Vinyl and Urethane Coating and Printing”

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

40 CFR Part 60 subpart FFF	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	June 29, 1984	[49 FR 26892]
Revision	Vol. 49	August 17, 1984	[49 FR 32848]

Subpart GGG - “Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries”

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

40 CFR Part 60 subpart GGG	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	May 30, 1984	[49 FR 22606]

Subpart HHH - “Standards of Performance for Synthetic Fiber Production Facilities”

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

40 CFR Part 60 subpart HHH	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	April 5, 1984	[49 FR 13651]
Revision	Vol. 49	April 27, 1984	[49 FR 18096]

Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”

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

40 CFR Part 60 subpart III	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]

Subpart JJJ - “Standards of Performance for Petroleum Dry Cleaners”

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

40 CFR Part 60 subpart JJJ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 49	September 21, 1984	[49 FR 37331]
Revision	Vol. 50	November 27, 1985	[50 FR 49026]

Subpart KKK - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Onshore Natural Gas Processing Plants”

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

40 CFR Part 60 subpart KKK	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	June 24, 1985	[50 FR 26124]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]

Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions”

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

40 CFR Part 60 subpart LLL	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]

Subpart MMM - (Reserved)

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

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

104 FINAL REGULATIONS

40 CFR Part 60 subpart NNN	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]

Subpart OOO – [Reserved]

Subpart PPP - “Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants”

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

40 CFR Part 60 subpart PPP	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 50	February 25, 1985	[50 FR 7699]
Revision	Vol. 54	February 14, 1989	[54 FR 6680]

Subpart QQQ - “Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems”

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

40 CFR Part 60 subpart QQQ	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	November 23, 1988	[53 FR 47623]

Subpart RRR - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing (SOCMI) Reactor Processes”

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

40 CFR Part 60 subpart RRR	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 58	August 31, 1993	[58 FR 45948]

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

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

40 CFR Part 60 subpart SSS	Federal Register Citation		
	Volume	Date	Notice

40 CFR Part 60 subpart SSS	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]

Subpart TTT - “Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines”

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

40 CFR Part 60 subpart TTT	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 53	January 29, 1988	[53 FR 2676]
Revision	Vol. 53	May 27, 1988	[53 FR 19300]
Revision	Vol. 54	June 15, 1989	[54 FR 25459]

Subpart UUU - “Standards of Performance for Calciners and Dryers in Mineral Industries”

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

40 CFR Part 60 subpart UUU	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 57	September 28, 1992	[57 FR 44503]

Subpart VVV - “Standards of Performance for Polymeric Coating of Supporting Substrates Facilities”

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

40 CFR Part 60 subpart VVV	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 54	September 11, 1989	[54 FR 37551]

Subpart WWW - “Standards of Performance for Municipal Solid Waste Landfills”

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

40 CFR Part 60 subpart WWW	Federal Register Citation		
	Volume	Date	Notice

106 FINAL REGULATIONS

40 CFR Part 60 subpart WWW	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will add a list to R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, of New Source Performance Standards (NSPS) for which delegation has been granted. These regulations will be incorporated into R.61-62.60, by reference.

Legal Authority: The legal authority for R.61-62 is Sections 48-1-10 et seq., S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon promulgation by the Board and publication in the *State Register*.

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

The United States Environmental Protection Agency (USEPA), in accordance with Section 111 of the Clean Air Act (CAA), is required to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Section 111 requires the USEPA to promulgate regulations establishing Federal standards of performance for new sources within these categories that reflects the degree of emission limitation achievable through the application of the best system of emission reduction. These standards are generally referred to as Standards of Performance for New Stationary Sources or New Source Performance Standards (NSPS). On October 19, 1976, the USEPA delegated to the State of South Carolina the authority to implement and enforce the NSPS that had been promulgated prior to January 15, 1976. On January 29, 1981, the USEPA again delegated to the State of South Carolina the authority for the NSPS that had been promulgated between January 15, 1976, and January 29, 1981. Since that time, the State of South Carolina has periodically requested and received delegation authority for NSPS. This amendment incorporates a list by reference of those NSPS for which prior delegation has been granted thereby clarifying the regulations and making them more useful to the regulated community. This regulation will be periodically revised as future Federal NSPS are promulgated to keep the State regulation updated.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The standards to be adopted are already effective as a matter of Federal law. This amendment merely adds a listing of these standards to the regulation, making the law clearer to the regulated community. This in turn will facilitate compliance with the law that will benefit the environment and public health.

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

None.

108 FINAL REGULATIONS

Document No. 2540

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 43-5-920 and 43-5-930

R.61-94. WIC Vendors

Synopsis:

The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS), continually updates regulations, and state regulations are amended to incorporate federal updates. The USDA has promulgated amendments to 7 CFR 246, Special Supplemental Program for Women, Infants and Children (WIC): WIC/Food Stamp Program (FSP) Vendor Disqualification. The Final Rule was published in the Federal Register on March 18, 1999 (64 FR 13311).

The Department has amended R.61-94 to adopt the federal regulations. Adoption will ensure consistency with the federal regulations governing the WIC/FSP Program Vendor Disqualification which mandate uniform sanctions across State agencies for the most serious WIC Program vendor violations. The implementation of these mandatory sanctions is intended to curb vendor related fraud and abuse in the WIC program and to promote WIC and FSP coordination in the disqualification of vendor and retailers who violate program rules.

The revision was promulgated to comply with federal law; neither a fiscal impact statement nor an assessment report is required. See discussion of revisions and a statement of need and reasonableness provided herein.

Discussion of Revisions

<u>Section</u>	<u>Change</u>
----------------	---------------

Revised to reflect maximum disqualification period is permanent.

- | | |
|-------|---|
| 901.1 | Revised to reflect the number of violations that carry a point value of 15 is now six (reduced from nine). |
| 901.2 | Revised to reflect the number of violations that carry a point value of 7.5 is now six (increased from four). |
| 901.3 | Revised to reflect the number of violations that carry a point value of 5 is now nine (increased from eight). |
| 901.4 | Revised to reflect there are no violations that carry a point value of 2.5, and eighteen (increased from seven) violations which do not have a point value but can lead to or extend a disqualification period. |

- 901.4.1 Added statement to specify the disqualification may begin at a later date.
- 901.4.6 Revised to specify mandatory three (3) year disqualification.
- 901.4.7 Revised to specify mandatory one year disqualification for forging signatures on food instruments.
- 901.4.8 Added to specify mandatory one (1) year disqualification for providing unauthorized foods.
- 901.4.9 Added to specify a mandatory three (3) year disqualification for sale of alcoholic beverages or tobacco products in exchange for food instruments.
- 901.4.10 Added to specify a mandatory three (3) year disqualification for claiming reimbursement for the sale of a specific food item which exceeds the stores documented inventory of that food item or failing to supply store records or failing to allow an audit of such records.
- 901.4.11 Added to specify a mandatory three (3) year disqualification for overcharging.
- 901.4.12 Added to specify a mandatory three (3) year disqualification for receiving, transacting and/or redeeming food instruments outside of authorized channels.
- 901.4.13 Added to specify a mandatory three (3) year disqualification for charging for foods not received.
- 901.4.14 Added to specify a mandatory six (6) year disqualification for an administrative finding of buying or selling food instruments for cash or selling firearms, ammunition, explosives or controlled substances in exchange for food instruments.
- 901.4.15 Added to specify a mandatory permanent disqualification for a conviction for trafficking.
- 901.4.16 Added to specify any vendor who previously has been assessed a sanction for any of the violations listed in items six (6) through fifteen (15), receives another sanction for any of these violations the disqualification period shall double.
- 901.4.17 Added to specify any vendor who previously has been assessed two (2) or more sanctions for any of the violations listed in items six (6) through fifteen (15), receives another sanction for any of these violations, this Agency shall double the third sanction and all subsequent sanctions.
- 901.4.18 Added to specify when the Food Stamp Program disqualify because of a disqualification from the WIC Program, the disqualification is not subject to administrative or judicial review under the Food Stamp Program.

Instructions: Due to numerous revisions, replace section 901 of R.61-94 in its entirety.

Text of Amendment:

SECTION 901. Program Violations.

Each violation of program regulations has a set point value and a specific time period during which the points will remain on a vendor=s record. If a vendor accumulates fifteen (15) or more violation points, the store will be disqualified from the program. The period of disqualification is determined by the nature of the violation(s), the number of violations and past disqualifications. Any vendor which accrues fifteen (15) or more points shall be disqualified from the program for a period of time within the Department=s discretion.

110 FINAL REGULATIONS

1. The following violations carry a point value of 15 and remain on a vendor=s record for two (2) years;
 - (i) Failure to allow monitoring of store by WIC; failure to provide food instruments for review when requested.
 - (ii) Non-payment of claim for overcharges made by WIC Program.
 - (iii) Intentionally providing false information on the WIC vendor application.
 - (iv) Intentionally providing false information on the WIC Vendor Price Survey.
2. The following violations carry a point value of 7.5 and remain on a vendor=s record for 18 months;
 - (i) Contacting WIC participants in an attempt to recoup funds for instruments not paid by agency
 - (ii) Not providing trading stamps or other promotional specials or not accepting cents-off coupons or store discount cards to reduce WIC price (or to provide store incentives.
 - (iii) Issuing ARAIN checks.
 - (iv) Requiring WIC participants to use special check-out lanes. Not showing WIC participants the same courtesies as other customers.
 - (v) Knowingly entering false information on food check.
 - (vi) Requiring cash purchase to redeem food checks.
3. The following violations carry a point value of 5.0 and remain on a vendor=s record for one (1) year:
 - (i) Allowing substitution for foods listed on the food instrument.
 - (ii) Failure to submit WIC Vendor Price Survey or to submit survey in a timely manner.
 - (iii) Failure (without just cause) to attend vendor training sessions.
 - (iv) Failure to stock required quantity and/or variety of foods as listed in the Agreement.
 - (v) Requiring participants to purchase a specific brand of WIC approved foods when more than one brand is available.
 - (vi) Using a WIC stamp other than the one issued by the agency (DHEC).
 - (vii) Failure to properly redeem food instruments including but not limited to: not asking for I.D. cards, not completing date and purchase price on food instrument prior to obtaining participant=s signature.
 - (viii) Not marking WIC items with price labels or shelf tags.
 - (ix) Collecting sales tax on WIC Purchases.
4. There are eighteen items which do not have a point value but can lead to or extend a disqualification period.

(1) Disqualification from the Food Stamp Program shall result in automatic disqualification from the WIC Program. The disqualification shall be the same length of time as the Food Stamp disqualification, may begin at a later date than the Food Stamp Program disqualification, and shall not be subject to administrative or judicial review under the WIC Program.

(2) Failure to return WIC Vendor Stamp to the WIC Program upon notice of disqualification shall result in a 30 day extension of a disqualification period.

(3) Failure to meet health department standards for the operation of a food market shall result in a disqualification period, i.e., not having current appropriate health department permit.

(4) Failure to submit a WIC Vendor Price List after second request shall result in termination of agreement.

(5) Prices being charged for WIC foods increasing to be more than the allowable percentage (as listed in the current WIC Agreement) of the average prices charged for the same type foods by other stores of the same type shall result in termination of the agreement.

(6) Providing credit or non-food items, other than alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives or controlled substances in exchange for food instruments shall result in a three (3) year disqualification.

(7) Forging signatures on food instruments shall result in automatic disqualification for a period of one (1) year.

(8) Providing unauthorized food items in exchange for food instruments, including charging for supplemental food provided in excess of those listed on the food instrument shall result in a one (1) year disqualification.

(9) The sale of alcoholic beverages or tobacco products in exchange for food instruments shall result in a three (3) year disqualification.

(10) Claiming reimbursement for the sale of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for a specific period of time or failing to supply store records or failing to allow an audit of such records by the State WIC Program shall result in a three (3) year disqualification.

(11) Charging participants more for supplemental food than non-WIC customers or charging participants more than the current shelf price shall result in a three (3) year disqualification.

(12) Receiving, transacting and/or redeeming food instruments outside of authorized channels, including the use of an unauthorized vendor and/or an unauthorized person shall result in a three (3) year disqualification.

(13) Charging for supplemental food not received by the participant shall result in a three (3) year disqualification.

(14) An administrative finding of buying or selling food instruments for cash or selling firearms, ammunition, explosives or controlled substances in exchange for instrument shall result in a six (6) year disqualification.

112 FINAL REGULATIONS

(15) A conviction for trafficking (buying or selling food instruments for cash) in food instruments or selling firearms, ammunition, explosives or controlled substances in exchange for food instruments shall result in permanent disqualification.

(16) When a vendor, who previously has been assessed a sanction for any of the violations listed in items six (6) through fifteen (15), receives another sanction for any of these violations, this Agency shall double the second sanction.

(17) When a vendor, who previously has been assessed two or more sanctions for any of the violations listed in items six (6) through (15), receives another sanction for any of these violations, this Agency shall double the third sanction and all subsequent sanctions.

(18) Disqualification from the WIC Program may result in disqualification as a retailer in the Food Stamp Program. Such disqualification may not be subject to administrative or judicial review under the Food Stamp Program.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-94. WIC Vendors

Purpose: To amend Regulation 61-94 in accordance with changes to Federal Regulation 7 CFR Part 246.

Legal Authority: This change to state law is authorized by S.C. Code of Laws Sections 43-5-920 and 43-5-930.

Plan for implementation: Existing staff of the Division of WIC Services will implement these changes. The additional requirements are expected to require 60 man days of effort. Impact on other program areas will be negligible.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AND EXPECTED BENEFIT BASED ON ALL FACTORS HEREIN: This regulatory amendment is exempt from the requirements of a Fiscal Impact Statement and Assessment Report because each change is necessary to maintain compatibility with Federal regulations. In amending the Federal regulations, the U.S. Department of Agriculture, Food and Nutrition Services found the following:

Amending the regulations that governs the Special Supplemental Nutrition Program for Women, Infant and Children (WIC) will mandate uniform sanctions across State agencies for the most serious WIC Program vendor violations. The implementation of these mandatory sanctions is intended to curb vendor related fraud and abuse in the WIC Program and to promote WIC and Food Stamp Program (FSP) coordination in the disqualification of vendors and retailers who violate program rules. This amendment also implements a mandate of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which requires the disqualification of WIC vendors who are disqualified from the FSP. Adoption of these regulations will bring R.61-94 in conformity with the federal regulations.

These regulations have been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612) and have been certified to not have a significant impact on a substantial number of small entities. These regulations will only impact WIC vendors who have committed fraud and abuse against the WIC Program or who have been disqualified from the FSP.

These regulations are intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede full implementation. Prior to any judicial challenge to the application of provisions of these regulations, all applicable administrative procedures must be exhausted.

DETERMINATION OF COSTS AND BENEFITS: Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law (Pub. L.) 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on States, local and tribal governments and the private sector. Under section 202 of the UMRA, FNS generally must prepare a written statement, including a cost benefit analysis, for proposed and final regulations with AFederal mandates≅ that may result in expenditures to State, local or tribal governments, in the aggregate, or the private sector, of 100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objective or the regulation.

This regulation contains no mandates (under than the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of \$100 million or more in any one year. Thus, this regulation is not subject to the requirements of sections 202 and 205 of the UMRA.

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: There will be no effect on the environment or public health. However, if these regulations are not adopted, there would be sanctions. South Carolina would lose primacy to administer the regulations and the federal government would enforce them.