

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

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

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.

2001 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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.

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SUBSCRIPTIONS

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

Name _____

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Telephone _____

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1984			Principal Evaluation	1-12-01	Board of Education
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REQUEST FOR AN ASSESSMENT REPORT (120 DAY REVIEW PERIOD TOLLED)

DOC NO.	DATE	SUBJECT	AGENCY
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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

2 EXECUTIVE ORDERS

No. 2000-29

WHEREAS, in its 2000 session, the South Carolina General Assembly passed legislation that made certain changes to the state election laws; and

WHEREAS, because the legislation would have unintentionally provided incentive for candidates to file politically motivated lawsuits in the 50-day period leading up to an election; and

WHEREAS, the portions of the legislation would have been declared unconstitutional by the courts; and

WHEREAS, the legislation would have created a task force to study the difficult issue of campaign reform; and

WHEREAS, I fully support efforts to reform and improve South Carolina's election laws.

NOW, THEREFORE, I hereby create an Advisory Campaign Reform Study Commission that is charged with the drafting of a report, including proposals for statutory enactment, amendment, or repeal which, if adopted, would place the State on the cutting edge of electoral process reform and would reestablish the public's confidence that each vote matters.

The Study Commission shall be composed of five members to include:

- (1) the Executive Director of South Carolina chapter of Common Cause;
- (2) the President of the South Carolina chapter of the League of Women Voters;
- (3) the Chairman of the South Carolina Democratic Party;
- (4) the Chairman of the South Carolina Republican Party; and
- (5) the Dean of the University of South Carolina School of Law, who shall serve as the Chair of the Commission.

The Chairmen of the respective political parties identified in Sections C(3) and C(4), above, may designate the respective state Executive Directors of those political parties to represent them at meetings of the Commission, as necessary.

The Commission must submit its report and recommendations to me and the General Assembly no later than April 16, 2001, at which time the Commission is dissolved.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 16th DAY OF
NOVEMBER, 2000.**

**JIM HODGES
Governor**

No. 2000-30

WHEREAS, in the general election held on November 7, 2000, the voting machines in the St. Andrews Public Service District precincts failed to allow electors to vote for the candidate of their choice in each of the two district wide races; and

WHEREAS, the Charleston County Election Commission, competent authority, declared the election void; and

WHEREAS, the Charleston County Election Commission has requested a new election pursuant to Section 7-13-1170 of the South Carolina Code of Laws; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws provides “. . . if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby:

- a. Order that an election for the St. Andrews Public Service District be held in Charleston County, for such offices as are due to be filled as provided by law, on February 12, 2001, or at the earliest possible date and time as is permitted by the United States Department of Justice; and
- b. Designate the Charleston County Election Commission to perform the necessary official duties pertaining to the election and to declare the result in carrying out the directives of this Executive Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF NOVEMBER, 2000.**

**JIM HODGES
Governor**

4 EXECUTIVE ORDERS

No. 2000-31

WHEREAS, the undersigned has been informed that George Flynn, a member of the James Island Public Service District, died on September 26, 2000; and

WHEREAS, the undersigned is authorized to appoint a member of the James Island Public Service District in the event of a vacancy in accordance with the provisions of Act No. 1367 of 1974; and

WHEREAS, June Waring, of 520 Parkway Drive, James Island, SC 29412, is a fit and proper person to serve as a member of the James Island Public Service District.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint June Waring as a member of the James Island Public Service District until the next general election and until her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF NOVEMBER, 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, December 22, 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 Charleston County

Establishment of a freestanding ambulatory surgery center with four (4) endoscopy rooms restricted to gastroenterology procedures only.

Charleston Endoscopy Center, LLC

Charleston, South Carolina

Project Cost: \$2,933,993

Establishment of a freestanding ambulatory surgery center with two (2) endoscopy rooms restricted to gastroenterology procedures only.

East Cooper Endoscopy Center

Mt. Pleasant, South Carolina

Project Cost: \$1,979,555

Purchase and installation of a fixed 1.5 Tesla Magnetic Resonance Imaging (MRI) unit to be located at a new physician office under construction at 2851 Tricom Street, North Charleston

Tricom Office of Tricounty Radiology Associates, PA

North Charleston, South Carolina

Project Cost: \$1,800,611

Affecting Horry County

Establishment of fifty-five (55) bed residential treatment facility for children and adolescents.

Carolina Youth Academy

Conway, South Carolina

Project Cost: \$4,924,739

Construction of an ambulatory surgery center with two (2) operating rooms and one (1) cystoscopy room.

Coastal Carolina Center of Urology & Surgery, LLC

Conway, South Carolina

Project Cost: \$4,541,899

Affecting York County

Renovation of a Computed Tomographic (CT) Scanner room, and replacement of one (1) of the two (2) existing CT Scanners

Piedmont Healthcare System

Rock Hill, South Carolina

Project Cost: \$1,114,613

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 December 22, 2000. "Affected persons" have 30 days from the above date to submit comments or

6 NOTICES

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 Anderson County

Addition of sixteen (16) nursing home beds to the existing facility for a total of thirty-two (32) nursing home beds that participate in the Hospice only Medicaid Program.

Callie & John Rainey Hospice House
Anderson, South Carolina
Project Cost: \$1,566,000

Affecting Beaufort County

Construction and renovation for the development of an adult open heart surgery program with one (1) dedicated open heart surgery operating room and the development of an adult therapeutic cardiac catheterization program within the existing cardiac catheterization laboratory.

Hilton Head Medical Center and Clinics
Hilton Head Island, South Carolina
Project Cost: \$4,578,000

Affecting Florence County

Establishment of a freestanding ambulatory surgery center for eye surgery with two (2) operating rooms.

Carolinan Eye Surgery and Laser Center, LLC.
Florence, South Carolina
Project Cost: \$2,303,175

Affecting Greenville County

Renovation for the transfer of twenty-eight (28) nursing home beds from Greenville Memorial Hospital (GMH) to North Greenville Hospital (NGH) and the transfer of five (5) acute care beds from NGH to GMH resulting in 28 nursing home beds and no acute care beds to NGH. Greenville Memorial Medical Center will have 646 acute care beds, 20 nursing home beds, 72 psychiatric beds and 53 rehabilitation beds.

Greenville Hospital System
Greenville, South Carolina
Project Cost: \$ 811,240

Relocate/expand outpatient Radiology and Diagnostic and Therapeutic Services to MOB II with the addition of one (1) Computed Tomographic (CT) Scanner for a total of 2 CT Scanners.

St. Francis Health System
Greenville, South Carolina
Project Cost: \$5,778,574

Affecting York County

Renovation of Computed Tomographic (CT) Scanner room and replacement of one (1) of the two (2) existing CT Scanners at the Hospital

Piedmont Healthcare System
Rock Hill, South Carolina
Project Cost: \$1,114,613

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF PROPOSED REVISION OF THE
SOUTH CAROLINA AIR QUALITY IMPLEMENTATION PLAN****CHEROKEE COUNTY****Synopsis:**

The South Carolina Department of Health and Environmental Control (Department) proposes to revise the South Carolina Air Quality Implementation Plan, also referred to as the State Implementation Plan or SIP. The proposed revision is necessary to meet U.S. Environmental Protection Agency and Federal Clean Air Act requirements. Section 175(A) of the Clean Air Act (CAA), as amended and regulations under 40 CFR Part 93.106, requires South Carolina to submit a revised maintenance plan to EPA within ten years of the redesignation of Cherokee County as attainment for the one hour ozone standard which occurred in 1992. A maintenance plan has been developed and incorporated into the SIP that provides for the continued protection of air quality in Cherokee County. The ten-year maintenance plan for Cherokee County included area, point, and mobile source emissions inventory projections for the year 2002.

The Department is proposing to amend the SIP to update the 1990 emissions inventory and to include a 2012 emissions budget for Cherokee County, SC. The on-road mobile source emissions for this revision are derived from the MOBILE 5a model, which is the latest emission estimation model approved for maintenance areas.

Public Hearing:

Staff of the Department will conduct a public hearing to receive public comments on the proposed revision of the Air Quality State Implementation Plan on January 24, 2001 at 11:00 a.m in Room 2280 of the Aycock Building, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. Interested members of the public are invited to attend and comment on the proposed revisions. Interested persons may also submit comments in writing to Julie Seel at South Carolina Department of Health and Environmental Control, Regulation Planning and Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by no later than 5:00 p.m. on January 22, 2001, the close of the comment period.

Copies of the proposed SIP amendment for public notice and comment will be available at the public hearing. Copies may also be obtained by contacting Julie Seel at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3256.

8 DRAFTING

DEPARTMENT OF ARCHIVES AND HISTORY

CHAPTER 12

Statutory Authority: 1976 Code Section 60-11

Notice of Drafting:

The Department of Archives and History proposes to amend the current regulations for the implementation of the Certified Local Government program in South Carolina. Interested persons may submit comments to Ms. Elizabeth Morton Johnson, Historical Services Division, S.C. Department of Archives and History, 8301 Parklane Road, Columbia, S.C. 29223. To be considered, comments must be received no later than 5:00 p.m. on February 16, 2001, the close of the drafting comment period.

Synopsis:

The National Historic Preservation Act as amended (16 U.S.C. 470 et seq.) established the Certified Local Government program, a partnership between local governments, state historic preservation offices and the National Park Service that encourages local historic preservation programs through funding, technical assistance, and training. In South Carolina, the state historic preservation office is a program of the Department of Archives and History. The Act requires state historic preservation offices to provide a mechanism to certify local governments to participate in the Certified Local Government program. The state regulations set forth minimum requirements for local governments to participate in the program; procedures for the Department of Archives and History to certify, monitor, and decertify local governments; procedures to transfer Historic Preservation Fund grants to Certified Local Governments; and procedures for Certified Local Governments to comment on nominations to the National Register of Historic Places.

The proposed amendments are being made to comply with the 1999 revision of the federal regulations governing the Certified Local Government program (36 CFR 61.5) made as a result of 1992 amendments to the National Historic Preservation Act, and to comply with changes in the National Park Service Historic Preservation Fund Grants Manual.

Legislative review of this proposal will not 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 is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Julie Seel, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by January 26, 2001, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR Parts 52, 60, 63, and 68 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), Prevention of Significant Deterioration (PSD), and Chemical Accident Prevention. The Department proposes to amend Regulations 61-62.5, Standard 7, *Prevention of Significant Deterioration*, 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*,

61-62.63, *National Emission Standards for Hazardous Air Pollutants*, and 61-62.68, *Chemical Accident Prevention Provisions*, to adopt the new Federal amendments through January 1, 2001.

The Department may also propose corrections to previous amendments of R.61-62 to comply with Federal regulations through January 1, 2001. All of the proposed amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards. The proposed amendments in this Notice will not be more stringent than the current Federal requirements.

A Notice of Drafting was published in the State Register on November 24, 2001, to amend Regulations 61-62.60, 61-62.63, and 62-62.68 regarding the above-described federal amendments. Any comments received from that Notice, in addition to the proposed regulations in this current issuance, will be considered by the Department.

The proposed amendments will not require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 44-56-30 and 48-1-10 et seq.

Notice of Drafting:

The S. C. Department of Health and Environmental Control proposes to amend R.61-79, Hazardous Waste Management Regulations, to add listings for certain organo-tin compound process residues. Interested persons may submit written comments to John Litton, Bureau of Land and Waste Management, S. C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received by 5:00 p.m. on January 22, 2001, the close of the drafting comment period.

Synopsis:

Certain waste residues from the production of butyl tins have been demonstrated to be hazardous to marine flora and fauna. Both State and federal laws allow for the promulgation of such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment. The Department intends to add State listings for solid wastes containing certain organo-tin compounds to R.61-79.261. The intention of this amendment will be to bring certain organo-tin compounds under hazardous waste regulation, since mismanagement of these compounds poses a threat to human health and the environment. Legislative review of this amendment will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION

BOARD OF MEDICAL EXAMINERS

CHAPTER 81

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

Notice of Drafting:

The Board of Medical Examiners is considering repealing Regulation 81-100 (concerning physician assistants) in its entirety due to the passage of the Physician Assistants Practice Act, effective June 6, 2000. Interested persons should submit their views in writing to Mr. John D. Volmer, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289.

10 DRAFTING

Synopsis:

The passage of the South Carolina Physician Assistants Practice Act (S.C. Code Ann. §40-47-905, et seq.), effective June 6, 2000, makes the continued use of Regulation 81-100 unnecessary. Therefore, Regulation 81-100 is being repealed.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-40, "Hunt Units and Game Management Area Regulations". The subject of the proposed action is to amend the regulation to modify existing seasons and methods to allow additional hunting opportunity on wildlife management areas. Any person interested may submit written comments to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This amended regulation will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. The regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas.

Document No. 2591
STATE DEPARTMENT OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-30-10(f) (1990 & Supp. 1999) & 59-43-10 (1990)

43-237.1. Adult Education Program

Preamble:

In 1998, the federal government passed the Workforce Investment Act. The Act requires that South Carolina must review and amend current regulations to reflect changes required by federal law. The State Board of Education Regulation 43-237.1, Adult Education Program, was amended in 1994 by the State Board of Education.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on February 13, 2001, at 10:30 A.M., to be held in Room 806 of the Rutledge Building at the State Department of Education, 1429 Senate Street, Columbia, South Carolina. The notice for public hearings will be noted in the Board's agenda to be published by the Department two days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Sam Drew at South Carolina Department of Education, Office of Adult and Community Education, 902-A Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201, or by calling (803) 734-8070. Comments must be received no later than 4:00 P.M. on January 29, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on February 13, 2001, at noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 43-237.1, Adult Education Program

Purpose: Regulation 43-237.1, Adult Education Program, is being amended and replaced in its entirety. The proposed amendments will reflect changes required by federal law. This regulation is being amended to comply with the Workforce Investment Act of 1998.

Legal Authority: The legal authority for Regulation 43-237.1 are S.C. Code Ann. Sections 59-30-10(f) (1990 & Supp. 1999) and 59-43-10 (1990), S.C. Code of Laws.

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

12 PROPOSED REGULATIONS

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

This regulation is being amended to comply with the Workforce Investment Act of 1998.

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 effect on the environment and public health if these changes are 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. 2590
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-30-10(f) (1990 & Supp. 1999), & 59-43-10 (1990)

43-237. Adult Education Curriculum

Preamble:

All provisions for adult education programs are included in Regulation 43-259, Graduation Requirements. Therefore, Regulation 43-237, Adult Education Curriculum needs to be repealed.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education on February 13, 2001, at 10:30 A.M. to be held in Room 806 of the Rutledge Building at the State Department of Education, 1429 Senate Street, Columbia, South Carolina. The notice for public hearings will be noted in the Board's agenda to be published by the Department two days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Sam Drew at South Carolina Department of Education, Office of Adult and Community Education, 902-A Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201, or by calling (803) 734-8070. Comments must be received no later than 4:00 P.M. on January 29, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on February 13, 2001, at noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-237, Adult Education Curriculum

Purpose: Regulation 43-237, Adult Education Curriculum,, 1989-1998, is being repealed in its entirety. In 1998 the federal government passed the Workforce Investment Act. Under the Act each state was required to develop a new State Plan. The new State Plan was approved in March 2000.

Legal Authority: The legal authority for Regulation 43-237 are Sections 59-30-10(f) (1990 & Supp. 1999) and 59-43-10 (1990)

Plans for Implementation: The proposed repeal will take effect upon approval by the State Board of Education and publication in the *State Register*. The proposed 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 regulation is being repealed to comply with the Workforce Investment Act of 1998. The graduation requirements for adult education are covered in Regulation 43-259, Graduation Requirements.

DETERMINATION OF COSTS AND BENEFITS:

None

UNCERTAINTIES OF ESTIMATES:

None

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

None

Text: R43-237 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.

14 PROPOSED REGULATIONS

Document No. 2592
DEPARTMENT OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) & 59-43-20 (1990)

43-237.2 State Plan for Adult Education, 1989-1998.

Preamble:

In 1998 the federal government passed the Workforce Investment Act. Under the Act each state was required to develop a new State Plan. Regulation 43-237.2, State Plan for Adult Education, 1989–1998, was amended in 1994 by the State Board of Education. A new State Plan, which is not a regulation, was approved by the State Board of Education in March 2000. Therefore, R. 43-237.2, which was a regulation, must be repealed.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education on February 13, 2001, at 10:30 A.M., to be held in Room 806 of the Rutledge Building at the State Department of Education, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing may be asked to limit their statements to five minutes or less, depending upon the number of participants. If possible persons are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Sam Drew at South Carolina Department of Education, Office of Adult and Community Education, 902-A Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201, or by calling (803) 734-8070. Comments must be received no later than 4:00 P.M. on January 29, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on February 13, 2001, at noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 43-237.2, State Plan for Adult Education, 1989-1998.

Purpose: Regulation 43-237.2, State Plan for Adult education, 1989-1998, is being repealed in its entirety. In 1998 the federal government passed the Workforce Investment Act. Under the act each state was required to develop a new State Plan. The new State Plan was approved in March 2000.

Legal Authority: The legal authority for Regulation 43-237.2 are 59-5-60 (1990) & 59-43-20 (1990)S. C. Code of Laws.

Plans for Implementation: The proposed repeal will take effect upon approval by the State Board of Education and publication in the *State Register*. The proposed 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 regulation is being repealed in its entirety to comply with the Workforce Investment Act of 1998.

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 effect on the environment and public health because of the repeal of this regulation.

Text: THIS REGULATION IS BEING REPEALED IN ITS ENTIRETY.

43-237.2, State Plan for Adult Education, 1989-1998.

The State Plan for Adult Education, 1989-1998 is available as a separate document from the Office of Community Education, South Carolina Department of Education. For your convenience you may wish to insert it following this page. Amendments to the State Plan, as noted below, may also be obtained from the above referenced office.

NOTE:

Certain sections of the State Plan for Adult Education were amended in August, 1993.

Certain sections of the State Plan for Adult Education were amended in December, 1996. See pages 3, 5 and 6 for amendments and pages 6a and 6

Document No. 2593
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: S.C. Code Section 48-1-10 et seq.

R.61-62, 96, Nitrogen Oxides (NO_x) Budget Trading Program, and R.61-62.99, Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not In the Trading Program and the South Carolina State Implementation Plan.

Preamble:

On October 27, 1998, the United States Environmental Protection Agency (EPA) published a final rule titled, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" [63 FR 57355]. This rule, also known as the NO_x SIP Call, requires South Carolina and certain other states to limit the summertime emissions of oxides of nitrogen (NO_x) which are one of the precursors of ozone pollution. EPA has stated in the rule that sources in these states emit NO_x in amounts that significantly contribute to nonattainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ozone in one or more downwind states. The NO_x SIP Call requires reductions of summertime emissions of NO_x in South Carolina by about 19 percent and requires the Department to submit a revision to the South Carolina State Implementation Plan (SIP) that identifies measures necessary to achieve these reductions. The purpose of the SIP is to comply with the federal requirement for NO_x reductions in the eastern half of the United States. If the Department fails to submit an approvable SIP, the EPA will establish a Federal Implementation Plan to achieve these reductions.

16 PROPOSED REGULATIONS

The Department proposes to amend R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan (SIP) by adding two new regulations in order to comply with the Federal requirements. The new regulations are R.61-62.96, Nitrogen Oxides (NO_x) Budget Trading Program, and R.61-62.99, Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not In the Trading Program

A Notice of Drafting was published in the State Register on November 27, 1998. A second Notice to reopen the drafting period was published in the State Register on July 28, 2000.

Discussion of Proposed Revisions

SECTION CITATION:	EXPLANATION OF CHANGE
R.61-62.96	Add new regulation.
R.61-62.99	Add new regulation.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on January 22, 2001, at 10:00 a.m. on the second floor of the Aycock Building in Room 2380 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. The purpose of the forum is to answer questions and receive comments from interested persons on the proposed SIP revisions and regulations.

Interested persons are also provided an opportunity to submit written comments to Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on January 22, 2001. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing scheduled below.

Copies of the proposed SIP revision and the proposed regulations for public notice and comment may be obtained by contacting Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4287.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed SIP revision and the proposed regulations at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on February 8, 2001, to be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed SIP revision and the proposed regulations by writing to Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on January 22, 2001. Comments received shall be considered by the staff in formulating the final SIP revision and proposed regulations for public hearing on February 8, 2001, as noticed above. Comments received shall be submitted to the Board in a Summary of Public Comments and

Department Responses for consideration at the public hearing.

Copies of the proposed SIP revision and proposed regulations for consideration at the public hearing on February 8, 2001, may be obtained by contacting Heather Preston at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-4287.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will add two new regulations: 61-62.96, Nitrogen Oxides (NO_x) Budget Trading Program, and 61-62.99, Nitrogen Oxides (NO_x) Budget Program Requirements for Stationary Sources Not In the Trading Program to Regulation 61-62, Air Pollution Control Regulations and Standards, and will amend the South Carolina State Implementation Plan (SIP). These regulations are necessary to comply with the NO_x SIP Call which requires the Department to identify pollution-reduction measures and develop a plan to achieve these reductions. If the Department fails to submit an approvable plan, the EPA will establish a Federal Implementation Plan to achieve these reductions.

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 approval by the Department’s Board, the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

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

On October 27, 1998, the United States Environmental Protection Agency (EPA) published a final rule titled, “Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone” [63 FR 57355]. This rule, also known as the NO_x SIP Call, requires South Carolina and certain other states to limit the summertime emissions of oxides of nitrogen (NO_x) which are one of the precursors of ozone pollution. EPA has stated in the rule that sources in these states emit NO_x in amounts that significantly contribute to nonattainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ozone in one or more down-wind states. The NO_x SIP Call requires reductions of summertime emissions of NO_x in South Carolina by about 19 percent and requires the Department to submit a revision to the South Carolina State Implementation Plan (SIP) that identifies measures necessary to achieve these reductions. The purpose of the SIP is to comply with the federal requirement for NO_x reductions in the eastern half of the United States. If the Department fails to submit an approvable SIP, the EPA will establish a Federal Implementation Plan to achieve these reductions.

DETERMINATION OF COSTS AND BENEFITS:

The EPA has determined that the national annual cost to comply with the NO_x SIP Call is approximately \$1.7 billion in 1990 dollars [63 FR 57478]. The associated benefits, in terms of improvements in health, crop yield, visibility, and ecosystem protection, that EPA has quantified range from \$1.1billion to \$4.2 billion.

18 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

EPA has attempted to simulate a possible set of State implementation strategies and estimates the cost and benefits associated with that set of strategies. Due to practical analytical limitation, the EPA is not able to quantify all potential costs and benefits.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The EPA has determined that the pollution-reduction measures required by these regulations will result in benefits to the public health and improvements in crop yield, visibility, and ecosystem protection.

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

If these regulations are not implemented then the public health benefits and other environmental improvements cited above may not be realized.

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. 2594
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30
Statutory Authority: S.C. Code Section 48-39-50

Preamble:

The Department's Office of Ocean and Coastal Resource Management (OCRM) is proposing to amend R.30-1, Definitions, R.30-2, Applying for a Permit, and R.30-12, Specific Project Standards for Tidelands and Coastal Waters. A new definition is added and permit application requirements are addressed. Specific project standards for docks and island access are also proposed. See Discussion below and Statement of Need and Reasonableness herein.

A Notice of Drafting for this proposed amendment was published in the State Register on July 28, 2000.

Discussion of Proposed Revisions:

<u>SECTION</u>	<u>CHANGE</u>
30-1.D(7)	New definition is added to define the term "boat" as it relates to specific uses in the critical areas.
30-2.B(8)	Additional language incorporates the requirements of stormwater plans, dock master plans, and other pertinent information in order to provide for a comprehensive review of project proposals. This section is also amended to clarify profession requirements for submitting plats reflecting locations of the SCOCRM Baseline and setback lines.
30-12.A(1)	Language is deleted to clarify existing wording.

- 30-12.A(2)(f) Language is added to recognize the Americans with Disabilities Act recommendations for walkways and other structural configurations.
- R30-12.A(2)(h) Language is modified to address the permitting process required in order to review projects comprehensively and not on a piece meal basis.
- R30-12.A(2)(n) Language is added to clarify corridor and navigational issues.
- R30-12.A(2)(q)(viii) Subitem is added to clarify boat storage associated with docks in the critical areas.
- R30-12.A(2)(r) The introductory paragraph is amended to reflect requirements in the Dock Master Planning process.
- R30-12.A(2)(r)(ii) This subitem is amended to specify roof height.
- R30-12.A(2)(s)(iv) Unnecessary language is deleted.
- R30-12.N Section 30-12.N introductory paragraph is being amended to clarify language, improve OCRM's ability to review bridge permits and address all coastal islands.
- R30-12.N(1) Unnecessary language is deleted.
- R30-12.N(2) Language is modified to clarify meaning and subsection is renumbered.
- R30-12.N(3) Language is deleted for clarification and deemed unnecessary.
- R30-12.N(4) Subsection item is renumbered stylistically.
- R30-12.N(5) Subsection item is renumbered stylistically.
- R30-12.N(6) Subsection item is renumbered stylistically and language is changed to reflect an existing definition for Public Interest in these regulations.
- R30-12.N(7) Subsection item is renumbered stylistically and language is added to expand on existing language.
- R30-12.N(8) Subsection item is renumbered stylistically.
- R30-12.N(9) Subsection item is renumbered stylistically.
- R30-12.N(10) Language is deleted and incorporated in the proposed change to R30-12N.(5).
- R30-12.N(11) Language is added to clarify the Dock Master Planning process.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on January 23, 2001, 6:00 p.m. in the 3rd floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendment to R.30-1, R.30-2, and R.30-12. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for March 8, 2001, as noticed below.

20 PROPOSED REGULATIONS

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the staff forum by writing to Barbara Neale at OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405: Telephone number (843) 744-5838; Fax (843) 744-5847. Written comments must be received no later than 4:00 pm on January 23, 2001. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment may be obtained by contacting Barbara Neale at OCRM, S.C. Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405: Telephone number (843) 744-5838; Fax (843) 744-5847.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on March 8, 2001. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting will commence at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Ms. Barbara Neale at SCDHEC OCRM at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina 29405. Written comments must be received no later than 4:00 p.m. on January 23, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on March 8, 2001, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Barbara Neale at 843-747-4323 extension 126.

Preliminary Fiscal Impact Statement:

SCDHEC/OCRM estimates there will be no significant economic impacts upon or incurred by the state or its political entities as a result of the promulgation, approval, and administration of the proposed Regulations. Existing staff and resources have been utilized in preparation and will further be utilized in additional regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Section 1-23-1115(C)(1)-(3) and (9)-(11)

DESCRIPTION OF REGULATION: R.30-1, Definitions, R.30-2, Applying for a Permit, and R.30-12, Specific Project Standards for Tidelands and Coastal Waters

Purpose: To amend R.30-1, R.30-2, and R.30-12 to add a new definition and permit application requirements and standards for docks and access to islands.

Legal Authority: Authorized by 48-39-50(A-V), Coastal Tidelands and Wetlands Act, 1976.

Plan for Implementation: Upon approval by the Department's Board, the General Assembly, and publication in the State Register, these regulations will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AMENDMENT BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The amendment is necessary to enable Department staff to manage increasing development pressures to islands within the Critical Areas of the Coastal Zone and to address issues concerning the proliferation of docks.

DETERMINATION OF COSTS AND BENEFITS: Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or cost increases to the general public. Public benefits, however, may be evident in improved management of coastal resources and to encourage wise use and development of sensitive areas. See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Approval of the amended regulations will refine SCDHEC/OCRM's ability to manage increasing public usage of coastal resources. The amendments will also enable SCDHEC/OCRM to more efficiently address public trust issues.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens. Sensitive and fragile areas will be susceptible to inappropriate development, as environmental safeguards will lag behind increased demands for access to these areas.

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 Number 2600
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 South Carolina Need-based Grants Program

Preamble:

The Commission proposes to amend and replace in its entirety R.62-450 of the South Carolina Need-based Grants Program. The proposed amendments will clarify the policies and procedures for administering the State Need-based Grant. The regulations address revising the requirement that a grant recipient cannot have a criminal record to the requirement that a grant recipient not have any felonies, alcohol or drug related offenses; and, adding sections for students with disabilities and enrollment in the Doctorate of Pharmacy (Pharm.D.) Program.

Notice of Drafting for the proposed amendments was published in the *State Register* on October 27, 2000. Comments from the notice were considered in formulating in the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need-and Reasonableness herein.

Section-by-Section Discussion:

22 PROPOSED REGULATIONS

- 62-460 Reordered section in order to present the definition of terms in alphabetical order. The definition for “satisfactory academic progress” was added.
- 62-465 In order to be consistent with the LIFE and Palmetto Fellows Scholarship Programs, Section 2 was added so that Need-based Grant recipients must be either a U.S. citizen or permanent resident in order to be eligible. Section 7 was added as a student eligibility requirement because S.1235 was approved by the 2000 General Assembly requiring that State Need-based Grant recipients not be convicted of any felonies, alcohol or drug-related offenses.
- 62-475 Section E(2) was added in the policies and procedures for awarding the State Need-based Grant so that recipients must have a signed affidavit on file attesting to the fact that they have not been convicted of any felonies, alcohol or drug-related offenses.
- 62-480 Section D(1) clarified so that students receive academic credit for those hours in which they receive a passing grade. This section also clarifies that the required number of hours for renewal is based upon the number of terms the student receives the Need-based Grant each academic year. Section D(3) was added under the renewal criteria (no felonies, alcohol or drug-related offenses).
- 62-485 In order to adhere to the requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, section added to address the needs of students with disabilities.
- 62-495 Section added in order to allow for the use of State Need-based Grant funding towards the Pharm.D. Program, as long as the student meets all other eligibility criteria including not obtaining the first bachelor’s degree and not exceeding eight full-time equivalent terms of funding.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the South Carolina Commission on Higher Education at its regularly scheduled meeting on February 1, 2001, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, South Carolina 29201. The meeting commences at 10:30 a.m. at which the Commission will consider items on its agenda in the order presented. Persons desiring to make comments at the hearing should submit their statements in writing by no later than 5:00 p.m. on January 24, 2001.

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: 62-450 South Carolina Need-based Grants Program

Purpose: R.62-450 is being emended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the State Need-based Grant.

Legal Authority: The legal authority for R.62-450 is 1976 Code Section 54-142-20

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulations will promote consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENBRIONMENT 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 Number 2601
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300 Palmetto Fellows Scholarship Program

Preamble:

The Commission proposes to amend and replace in its entirety R.62-300 of the Palmetto Fellows Scholarship Program. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship. The following regulations address adding the requirement that a Palmetto Fellow cannot have any felonies, alcohol or drug related offenses as stipulated by S.1235; due to the adoption of the Uniform Grading Scale in December 1999 by the State Department of Education, including language regarding the Uniform Grading Scale; and, adding sections for students with disabilities and enrollment in the Doctorate of Pharmacy (Pharm.D.) Program.

Notice of Drafting for the proposed amendments were published in the *State Register* on October 27, 2000. Comments from the notice were considered in formulating in the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need-and Reasonableness herein.

Section-by-Section Discussion:

- 62-310 Reordered section in order to present the definition of terms in alphabetical order. The definition for “need analysis” was added.
- 62-315 Section A(6) was added as a student eligibility requirement because S.1235 was approved by the 2000 General Assembly requiring that Palmetto Fellows not be convicted of any felonies, alcohol or drug-related offenses.
- 62-320 Section B was added as a requirement for the Palmetto Fellows Scholarship application procedures. The high school must submit a listing of all eligible applicants for the Palmetto Fellows Scholarship to the Commission on Higher Education. Section C was clarified in order to allow for the use of the Uniform Grading Scale in the eligibility requirements as adopted by the State Department of Education in December 1999.
- 62-325 Section B(2) was clarified in the selection process in order to allow for the awarding of ranking points under the Uniform Grading Scale.
- 62-330 Section D(2) was added in the policies and procedures for awarding the Palmetto Fellows Scholarship so that recipients must have a signed affidavit on file attesting to the fact that they have not been convicted of any felonies, alcohol or drug-related offenses.
- 62-335 Section D(5) was added under the renewal criteria (no felonies, alcohol or drug-related offenses).
- 62-345 In order to adhere to the requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, section added to address the needs of students with disabilities.
- 62-350 In order to clarify enrollment in internships, cooperative work programs, travel student programs, or National or International Exchange Programs, section revised in order to stipulate that programs must

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receive full-time academic credit and be approved by the home institution to receive Palmetto Fellows Scholarship funding.

62-355 Section added in order to allow for the use of Palmetto Fellows Scholarship funding towards the Pharm.D. Program, as long as the student meets all other eligibility criteria including not obtaining the first bachelor's degree and not exceeding eight terms of funding.

62-360 The appeals guidelines for the Palmetto Fellows Scholarship were revised to be consistent with the approved Palmetto Fellows and LIFE Scholarship Appeals Regulations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulations at a public hearing to be conducted by the South Carolina Commission on Higher Education at its regularly scheduled meeting on February 1, 2001, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, South Carolina 29201. The meeting commences at 10:30 a.m. at which the Commission will consider items on its agenda in the order presented. Persons desiring to make comments at the hearing should submit their statements in writing by no later than 5:00 p.m. on January 24, 2001.

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: 62-300 Palmetto Fellows Scholarship Program

Purpose: R.62-300 is being emended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship.

Legal Authority: The legal authority for R.62-300 is 1976 Code Section 54-104-20

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulations will promote consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulations for scholarship and grant programs administered by the Commission on Higher Education.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: None.

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. 2595

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
CHAPTER 49

Statutory Authority: 1976 Code Section 40-22-60, as amended by 2000 Act 311

South Carolina State Register Vol. 24, Issue 12
December 22, 2000

Preamble:

The Board of Registration for Professional Engineers and Land Surveyors is drafting regulations to be consistent with the recently enacted Practice Act. The proposed regulations include new provisions for licensure and qualifications for additional categories and disciplines of land surveying, and provides for the practice in this State by engineers and engineering firms located in foreign countries, as well as revisions of current regulations codified at South Carolina Code of Regulations Chapter 49.

Section by Section Discussion:

The Board of Registration for Professional Engineers and Land Surveyors is repealing current regulations in Articles 1 and 2 of Chapter 49. The Board is also amending Article 6, Sections 49-600B and 49-602A and B, to establish continuing education requirements for biennial renewal of license and an exemption for individuals licensed prior to January 1, 1969. Articles 4 and 5 will remain as now written in the current regulations.

Article 1. General Provisions.

Regulation 49-100. Definitions.

Provides explanation of terms used in the regulations which are not included in the Practice Act, Title 40, Chapter 22, Section 20.

Regulation 49-101. Board Rules of Order/Procedures and Seal of Board.

Complies with the Practice Act, Title 40, Chapter 22, Section 60(A). This is the same wording in current R.49-104 and R.49-105.

Regulation 49-102. Use of Forms/Applications.

Provides general information and procedures for filing applications in each category of engineers and land surveyors and for firms as provided in Title 40, Chapter 22, Section 230 of the Practice Act.

Regulation 49-103. Fees.

Establishes fees for applications and examinations for individuals applying for licensure as engineers and land surveyors and registration of firms as provided in Chapter 40, Title 22, Section 50(B); also establishes renewal fees on a biennial basis as provided in Chapter 40, Title 22, Section 240 of the Practice Act.

Regulation 49-104. Examinations – General.

Establishes and identifies examinations which are required for licensure of engineers and land surveyors as provided for in Title 40, Chapter 22, Section 220 and Section 225 of the Practice Act.

Regulation 49-105. License Expiration, Renewal and Reinstatement–Individuals.

Establishes dates for biennial renewal of licenses for individuals and penalties for failure to renew as provided in Title 40, Chapter 22, Section 240 of the Practice Act.

Regulation 49-106. License Expiration, Renewal and Reinstatement–Firms.

Establishes dates and procedures for biennial renewal of licenses for firms and penalties for failure to renew as provided for in Title 40, Chapter 22, Section 250 of the Practice Act.

Article 2. Requirements for Licensure.

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Regulation 49-200. Professional Engineer Licensure Requirements.

Combines current language in R.49-203 and R.49-205; establishes education, experience and examination requirements for the two categories for licensure of engineers, as provided for in Title 40, Chapter 22, Section 220 of the Practice Act.

Regulation 49-201. Professional Land Surveyor Licensure Requirements.

Establishes new categories and disciplines for TIER A land surveyor qualifications and dates for grandfathering in the new disciplines of photogrammetric and geographic information systems; also requirements for TIER B land surveying licensure as provided for in Title 40, Chapter 20, Section 225 of the Practice Act.

Regulation 49-202. Classifications and Scopes of Authority: Engineers and Land Surveyors.

Provides clarification for two categories of engineers and scopes of authority; establishes classifications and scopes of authority for new categories and disciplines of land surveying, as provided for in Section 40-22-20(23) and Section 40-22-225 of the Practice Act.

Regulation 49-203. Licensure by Comity.

Establishes new provisions for licensure of a Model Law Engineer and requirements and procedures for other engineers and land surveyors licensed in other U.S. and jurisdictions as provided for in Section 40-22-230 (C) of the Practice Act.

Regulation 49-204. Engineering Registration of Foreign (Non-US) Practitioners and COA's for Foreign (Non-US) Firms.

Establishes regulations for the practice of engineering in this State by engineers and engineering firms located in foreign countries and other requirements necessary to protect consumers of engineering services by cross-border practitioners as authorized in Section 40-22-300 of the Practice Act.

Regulation 49-205. Firm Registration.

Establishes requirements and procedures for issuance of a Certificate of Authorization for all firms offering engineering and land surveying services in the State of South Carolina, as provided for in Section 40-22-250 of the Practice Act.

Regulation 49-206. Temporary Permits: Engineers; Engineering and Land Surveying Firms.

Establishes guidelines and procedures for issuance of temporary permits for a specific time for one project only, as provided for in Section 40-22-260 of the Practice Act.

Regulation 49-207. Seals: Individuals and Firms.

Defines the requirements and description of seals for individuals and firms providing services in the State, as provided for in Section 40-22-270 of the Practice Act.

Article 3. Rules of Professional Conduct.

No changes.

Article 4. Minimum Standards Manual for the Practice of Land Surveying in South Carolina.

No changes.

Article 5. Agreements and Understandings with other Boards.

No changes.

Article 6. Continuing Professional Competency.

49-600A. No changes.

49-600B. Establishes requirements for continuing education as a condition for biennial renewal of license effective July 1, 2002, and an exemption for demonstration of continuing professional competency as a condition for renewal of license for those engineers and land surveyors licensed prior to January 1, 1969, as provided for in Title 40, Chapter 22, Section 240 of the Practice Act.

49-602A. Provides that each licensee is required to obtain 30 PDH units each biennial renewal period, effective July 1, 2002.

49-602B. Provides that a licensee may carry forward 30 PDH units into the subsequent biennial renewal period effective July 1, 2002.

49-602C. No changes.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9:00 AM on Wednesday, February 7, 2001. Written comments may be directed to Jay Pitts, Administrator, Board of Registration for Professional Engineers and Land Surveyors, Department of Labor, Licensing and Regulation, Post Office Box 11597, Columbia, South Carolina 29211-1597, no later than 5:00 p.m., Monday, January 22, 2001.

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:

Purpose: To conform with provisions of the new Practice Act and to provide for international cross-border recognition for the practice in this State by engineers and engineering firms located in foreign countries.

Legal Authority: 1976 Code Title 40, Chapter 22, Section 60.

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

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

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

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

EFFECT ON 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 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. 2596
DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONERS OF PILOTAGE FOR THE PORT OF CHARLESTON
CHAPTER 136
Statutory Authority: 1976 Code Sections 54-15-120; 54-15-140

Preamble:

The Commissioners of Pilotage for the Port of Charleston is proposing to amend Regulation 136-020C(1) by increasing the deep draft limitations on initial branches from 28 feet to 31 feet.

Section by Section Discussion:

Regulation 136-020C(1). Short Branch Qualification.

This change will allow apprentice pilots who are approved for a first branch license to handle average size vessels coming into the harbor. By doing so, the Commissioners can increase and improve their training opportunities through the remainder of their apprenticeships.

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 AM on Tuesday, February 6, 2001. Written comments may be directed to Randall Bryant, Administrator, for the Commissioners of Pilotage for the Port of Charleston, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. Monday, January 22, 2001.

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

Statement of Need and Reasonableness: By amending the regulation, the Commissioners of Pilotage for the Port of Charleston recognize the increased size of the average vessel entering the harbor and increase and improve training opportunities for pilots who have been approved for their initial branch. The safety of the public is assured by the training prior to granting initial branch licenses which includes apprenticeship under fully licensed pilots and supervised experience with larger vessels.

DESCRIPTION OF REGULATION:

Purpose: To improve the training of pilots who hold Initial Branch licenses.

Legal Authority: Statutory Authority: 1976 Code Title 54, Chapter 15, Section 120 and 140.

Plan for Implementation: The Commissioners of Pilotage for the Port of Charleston will notify all licensed pilots and apprentices of the amended regulations.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: By amending the regulation, the Commissioners of Pilotage for the Port of Charleston recognize the increased size of the average vessel entering the harbor. By using the 31 feet deep draft limit, they increase and improve training opportunities for pilots who have been approved for their initial branch. The safety of the public is assured by the training prior to granting initial branch licenses which includes apprenticeship under fully licensed pilots and supervised experience with larger vessels.

DETERMINATION OF COSTS AND BENEFITS: There will be no cost to the state or its political subdivisions. The training of pilots will be enhanced.

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environmental 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 regulation is not implemented in this State.

Text:

Regulation 136-020. Short Branch Qualification.

C. The various tonnage and draft limitations for each short branch shall be:

- (1) Initial (first) short branch (six months) ...35,000 Gross Registered Tons and 31 feet deep draft.

Document No. 2597

WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

67-612. Admission of Expert's Report as Evidence.

Preamble:

The Commission proposes to amend this regulation in order to update, improve current practice, and further streamline operations. The proposed amendment will facilitate and improve the procedure for filing Administrative Procedures Act (APA) submissions. The Notice of Drafting for this proposed amendment was published on March 24, 2000.

Section-by-Section Discussion:

67-612 To clarify and provide an acceptable format for the procedure for filing APA submissions.

Filed: December 1, 2000, 9:30 am

Document No. 2598

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONERS OF PILOTAGE FOR THE PORT OF CHARLESTON
CHAPTER 136**

Statutory Authority: 1976 Code Sections 54-15-120; 54-15-140

Emergency Situation:

As the average draft of vessels entering the Charleston harbor increases, it is more difficult to provide appropriate training to pilots who have qualified for an initial short branch. Increased activity at the Port of Charleston makes it imperative that there be an adequate number of properly qualified pilots.

Text:

136-20. Short Branch Qualification.

C. The various tonnage and draft limitations for each short branch shall be:

- (1) Initial (first) short branch (six months)...35,000 Gross Registered Tons and 31 feet deep draft.

Statement of Need and Resonableness: The Commissioners of Pilotage for the Port of Charleston need to immediately establish increased training opportunities for pilot apprentices with initial short branch qualifications in order to assure adequate trained pilots for the Port of Charleston.

DESCRIPTION OF REGULATION:

Purpose: To provide safe vessel movement in the Charleston harbor during a period of increased traffic.

Legal Authority: 1976 Code Title 54, Chapter 15, Section 120; Title 54, Chapter 15, Section 140.

Plan for Implementation: The Commissioners of Pilotage for the Port of Charleston will notify all licensed pilots and apprentices of the amended regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: By amending the regulation, the Commissioners of Pilotage for the Port of Charleston recognize the increased size of the average vessel entering the harbor. By using the 31 feet deep draft limit, they increase and improve training opportunities for pilots who have been approved for their initial branch. The safety of the public is assured by the training prior to granting initial branch licenses which includes apprenticeship under fully licensed pilots and supervised experience with larger vessels.

DETERMINATION OF COSTS AND BENEFITS: There will be no cost to the state or its political subdivisions. The training of pilots will be enhanced.

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. It will protect the public safety.

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

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Filed: November 28, 2000, 10:00 am

Document No. 2599
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to add additional WMA's. Because hunting season started September 1 in these units, it is necessary to re-file these regulations as emergency so their effect will continue through the hunting season.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2(B) Game Zone 2 - Western Piedmont Hunt Unit

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side. A point must be at least one inch long. Hunters must sign in at the Clemson DNR Office check point. Hunting in designated areas only. The Clemson DNR check point will open 2 hours before official sunrise for deer hunts. Hunters are required to wear a hat, coat or vest of international orange while hunting.

Still Gun Hunts (No dogs)	Designated days or periods between Oct. 1 and Jan. 1. Hunters selected by computer drawing.	As prescribed by the Dept.
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1.2(C) Crackerneck WMA and Ecological Reserve

All individuals must sign in and out at main gate. Scouting days (no weapons), will be Saturdays only during September, March & May. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am-8:30pm; Nov. - Dec., 4:30am-7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am-7:00pm. Hog hunters are required to wear either a hat, coat or vest of international orange. Hogs may NOT be taken from Crackerneck alive and hogs must be shown at check station gate. No more than 4 bay or catch dogs per party. Raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.

Deer

Archery (No dogs)	Designated days or periods between Sept. 1 and Jan. 1	2 deer , either-sex no more than 1 buck, no limit on hogs.
Primitive Weapons (No buckshot)	Designated days or periods between Sept. 1 and Jan. 1	2 deer, either-sex, no more than 1 buck, no limit on hogs.
Still Gun Hunts	Designated days or periods	5 deer total, 2 per day, buck

(No buckshot)	between Sept. 1 and Jan. 1	only except on either-sex days as prescribed by the Dept. Total not to include more than 3 bucks.
Hog hunts with dogs	Designated days or periods.	Limits as prescribed by the Dept
Small Game(except Bobcats, foxes, otters and fox squirrels may not be hunted).	Designated days or periods within Game Zone 3 seasons. No hunting before Sept. 1 or after Mar. 1.	Game Zone 3 bag limits.
Raccoon & Opossum	Saturday nights only during specified dates.	3 raccoons per party per night. No limit on Opossums.

1.2(G) Francis Marion National Forest

Special Feral Hog Hunts with Dogs	Designated days Saturday mornings only	No limit
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buckshot only). Sidearms permitted. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

1.2(H) Moultrie

Cross Station Site

Special Gun Hunts for youth, women and mobility impaired.	Designated days or periods between Aug. 15 and Jan. 1.	Limits as prescribed.
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1.2(K) Tillman Sand Ridge WMA

Primitive Weapons	8 hunting days beginning the 2 nd Fri. in Dec.	2 deer, buck only except on either-sex days as announced.
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1.2(R) Santee Coastal Reserve

Deer Hunts (No dogs)		2 deer per day, either-sex.
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Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, either-sex
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1.2(DD) Palachucola WMA

Feral Hog Hunts Still & Stalk Hunts (No Dogs)	Designated days or periods.	As prescribed.
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Hog Hunts with Dogs (Sidearms only)	Designated days or periods. No more than 4 bay or catch dogs per hunting party.	As prescribed.
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1.2(QQ) Santee Dam WMA

Deer		Total of 5 deer per season, buck only, except on either-sex days as prescribed.
Archery (No dogs)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Primitive Weapons (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Aug. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game (No Fox Squirrels, shotguns only).	Designated days or periods within Game Zone 9 seasons. No hunting before Sept. 1 or after Mar. 1. No hunting during scheduled deer hunt periods.	Game Zone 9 bag limits.

1.2(RR) Rock Hill Blackjack HP WMA

Deer		Total of 3 deer per season, buck only, except on either-sex days as prescribed.
Archery (No dogs)	Designated days or periods between Sept. 15 and Jan. 1	2 deer per day, either-sex
Primitive Weapons (No buckshot)	Designated days or periods between Sept. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Still Gun Hunts (No buckshot)	Designated days or periods between Sept. 15 and Jan. 1	2 deer per day, buck only, except on either-sex days as prescribed by the Dept.
Small Game No Fox Squirrels	Designated days or periods within Game Zone 4 seasons. No hunting before Sept. 1 or after Mar. 1. No hunting during scheduled deer hunt periods.	Game Zone 4 bag limits.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or Pyrodex only as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolvers, pistols or revolving rifles are permitted. Crossbows are legal for use on WMA and private land statewide during any open season for deer, turkey or bear by a person with an **upper limb disability** provided the person, while hunting, has in their immediate possession a written statement certifying the disability. The statement, based on a physical examination by the certifying neurologist or orthopedist, shall describe the physical disability and shall state the person is not capable of operating conventional bow. A copy of the statement must be provided to the Department prior to hunting with a crossbow. Without a disability exemption crossbows may be used on WMA lands only during firearms and muzzleloader seasons for deer and bear.

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

3.6 On WMA lands within the Mountain, Western Piedmont, Central Piedmont, and Francis Marion Hunt Units, Manchester State Forest WMA and S.C. Public Service Authority property of Moultrie WMA, during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no shooting from, on or across any railroad right-of-way or designated recreational trail on U.S Forest Service or S.C. Public Service Authority property and all guns must be unloaded when on the railroad right-of-way or trail.

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the Department, only bucks (male deer) may be taken on all hunt units. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline and female deer (doe) are considered antlerless deer and must be taken only on either-sex days or pursuant to permits issued by the Department. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the Department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. In the Central Piedmont and Western Piedmont Hunt Units, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

6.2 On WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Designated roads and trails on Forest Service lands are those designated with either a name and/or numbered sign. On Forest Service land ATV's can be used only on designated ATV or motorcycle trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

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

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CATEGORY II WATERFOWL MANAGEMENT AREAS

Biedler Impoundment	Wednesdays and Saturdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Marsh WMA	Wednesdays and Saturdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits

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

R 27-1023 State Meat Inspection Regulations

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301), which establishes 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 as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

Instructions:

Replace R27-1023 with the following amendment.

Text:

R.27-1023 - State Meat Inspection Regulations

A. Definitions.

- (1) *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
- (2) *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.
- (3) *Custom Processor* means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit required; fee; application; refusal, revocation or suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00)
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 301-320; Parts 352 and 354, and Subchapter E, Parts 416-417 and all changes thereto in effect as of September 30, 2000 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

38 FINAL REGULATIONS

- (1) Subchapter A, Part 303 - Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.
- (2) Subchapter A, Part 307, Section 307.5(a) - Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.
- (3) Subchapter A, Part 307, Section 307.5(b)- Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
- (4) Subchapter A, Part 312 - Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.
- (5) Subchapter A, Part 352, Section 352.5. Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required, by the Commission.
- (6) Subchapter A, Part 352, Section 352.7. Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Legislative Library or at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Fiscal Impact Statement:

The Commission believes that there will be no additional costs to the State or any of its subdivisions in complying with this regulation.

Document No. 2556
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

R 27-1022 State Poultry Inspection Regulations

Synopsis:

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which established 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 as stringent as those adopted by the United States Government. This regulation, will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

Instructions:

Add R27-1022 to the regulations.

Text:

R.27-1022 - State Poultry Inspection Regulations

A. Definitions.

- (1) *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
- (2) *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Part 362 and 381 and Subchapter E, Parts 416-417 and all changes thereto in effect as of September 30, 2000 are hereby adopted as the State Poultry Inspection Regulations, with exceptions as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

- (1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.
- (2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.
- (3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.
- (4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review in the Legislative Library or at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Fiscal Impact Statement:

The Commission believes that there will be no additional costs to the State or any of its subdivisions in complying with this regulation.