SOUTH CAROLINA STATE REGISTER DISCLAIMER

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

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

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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.

2000 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.
Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be renewable once.

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SUBSCRIPTIONS

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

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P.O. Box 11489
Columbia, South Carolina 29211

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

Name _____

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_____

Telephone _____

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

GOVERNOR'S EXECUTIVE ORDERS

NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

NOTICES OF DRAFTING REGULATIONS

BUDGET AND CONTROL BOARD

CONSUMER AFFAIRS, DEPARTMENT OF

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

JOBS – ECONOMIC DEVELOPMENT AUTHORITY

(NOTICES OF DRAFTING CONTINUED)

PROPOSED REGULATIONS

FINAL REGULATIONS

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

DOC NO.	FINAL SR	SUBJECT	EXP. DATE	AGENCY
2400	SR24-2	Computing Experience for Teachers	1 23 00	Board of Education
2350	SR24-2	Subdivision Water & Sewage	2 01 00	Health and Envir Control
2427		Principal Induction Program	3 11 00	Board of Education
2425		Textbook Adoption	3 11 00	Board of Education
2430		Hunt Units and Wildlife Management	3 13 00	Dept of Natural Resources
2429		Breathalyzer Tests	3 26 00	Law Enforcement Division
2424		Summer Programs	3 28 00	Board of Education
2428		Alcoholic Beverages Culinary Course	3 29 00	Higher Education
2407		Cervidae Entering South Carolina	5 09 00	Clemson University
2431		Tanning Facilities	5 09 00	Dept Health and Envir Control
2437		Respiratory Care Practitioners	5 09 00	LLR: Board Medical Examiners
2432		Terr and Cert of Sewerage & Water Util	5 09 00	Public Service Commission
2444		Medical Waste Incin, Def Gen Req	5 09 00	Dept Health and Envir Control
2451		Designation of Plant Pests	5 09 00	Clemson University
2471		Complete Chapter Revision	5 09 00	Employment Security Commission
2466		Permanent License	5 09 00	LLR: Board of Medical Examiners
2467		Fees	5 09 00	LLR: Manufactured Housing Board
2464		Chairlifts; Pumps or Drains Elevator Pits	5 09 00	LLR: Elevator and Amuse Ride Safety
2465		Effect of Discipline	5 09 00	LLR: Board of Medical Examiners
2468		Display of Annual Renewal Certificate	5 09 00	LLR: Board of Pharmacy
2469		Volunteer Pharm Tech Free Med Clinics	5 09 00	LLR: Board of Pharmacy
2463		Examinations	5 09 00	LLR: Board of Chiropractic Examiners
2433		Hearing Aids; Augmen Comm Devices	5 09 00	LLR: Speech-Language Path & Audio
2461		Shellfish	5 09 00	Dept Health and Envir Control
2454		Infectious Waste Management	5 09 00	Dept Health and Envir Control
2455		Classified Waters (Paris Mtn.)	5 09 00	Dept Health and Envir Control
2456		Classified Waters (NDZ)	5 09 00	Dept Health and Envir Control
2457		Septic Tank Site Evaluation Fees	5 09 00	Dept Health and Envir Control
2458		Retail Food Establishment Inspection	5 09 00	Dept Health and Envir Control
2470		Settlement and Release; Attys Fees	5 10 00	Workers' Compensation Commission
2488		Exam, Classif, Licensure, Financial Sta	5 11 00	LLR: Contractors' Licensing Board
2489		Licensure, Fees, Ethics,	5 11 00	LLR: Board of Funeral Service
2472		Relocation of Displaced Persons	5 11 00	Dept of Transportation
2459		Specific Information Service Signing	5 11 00	Dept of Transportation
2473		Contractor Prequalification	5 11 00	Dept of Transportation
2475		Use of State Aid Funds	5 12 00	SC State Library
2377		Def, Meetings, Licensing, Ed, Fees, ..	5 12 00	LLR: Board Physical Therapy Examiners
2378		Def, Brd, Lic, Con Ed, Fees, Ethics	5 12 00	LLR: Board Occupational Therapy
2438		Appearance Bond	5 13 00	Public Service Commission
2474		Property Taxation – Jurisdictions	5 25 00	Revenue, Dept of
2482		Parenting/Family Literacy	5 30 00	Board of Education
2481		School Transportation	5 30 00	Board of Education
2495		Individual Licenses	6 01 00	LLR: Engineers and Land Surveyors
2483		Assist, Dev, Eval Professional Teaching	6 02 00	Board of Education

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

2452	Graduation Requirements	6 02 00	Board of Education
2499	SWM: Demonstration-of-Need	6 09 00	Health and Environmental Control

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

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

REQUEST TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

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

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

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

WITHDRAWN:

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

NO. 2000-01

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

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

WHEREAS, the State of Arkansas, pursuant to its statutory law, §16-94-206, Absence of fugitive from other state when crime committed, has adopted extradition provisions that would allow South Carolina to extradite persons in Arkansas that have committed an act in Arkansas that intentionally resulted in a crime in South Carolina; and

WHEREAS, the State of Arkansas has adopted a statutory provision, §5-1-104, Territorial Applicability, that subjects a person to Arkansas' criminal laws and jurisdiction that commits conduct outside of its State that constitutes an attempt, conspiracy to commit, or commission of an offense within its State.

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

This Order takes effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 12th DAY OF JANUARY, 2000.

JIM HODGES
GOVERNOR

No. 2000-02

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

WHEREAS, membership on the South Carolina Mental Health Commission is a state office created by S.C. Code Ann. § 44-9-30 that is not listed among the exempt state offices enumerated in S.C. Code Ann. § 1-3-240(C); and

WHEREAS, Lisa H. Stevens of 10 Ryedale Court, Greenville, South Carolina 29615, was previously named as a member of the South Carolina Mental Health Commission for a term of five years by a Governor of this State;

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove Lisa H. Stevens from the South Carolina Mental Health Commission and declare the office vacant upon the appointment and qualification of her successor.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19TH DAY OF JANUARY, 2000.

JIM HODGES
GOVERNOR

No. 2000-03

WHEREAS, the uninterrupted supply of Liquefied Petroleum Gas as (propane) to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather has increased the demand for Liquefied Petroleum Gas and threatened the uninterrupted delivery of Liquefied Petroleum Gas to residential and commercial customers; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390, et seq., limit the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor to suspend these rules and regulations for 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency due to the cold weather and the need to continue the uninterrupted supply of Liquefied Petroleum Gas. This emergency justifies an exemption from Parts 390 through 399 of Title 49 of the Code of Federal Regulations. This emergency shall remain in effect for thirty days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24th DAY OF JANUARY, 2000.

JIM HODGES
GOVERNOR

NO. 2000-04

WHEREAS, a severe winter storm has impacted South Carolina, resulting in the accumulation of large amounts of snow and ice throughout the State during January 24, and January 25, 2000; and

WHEREAS, the effects of this storm required assistance for stranded motorists, medical emergencies, and logistical support to local governments; and

WHEREAS, this severe weather downed trees, blocked roads, created power outages, and isolated many citizens; and

WHEREAS, it has been determined that the severity of this storm has surpassed the capability of local governments to properly respond to and recover from its effects.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby place the South Carolina National Guard on State duty, and order the utilization of the National Guard's personnel with appropriate equipment, and all required State agencies to take necessary and prudent actions to assist the citizens of this State in their recovery efforts.

GIVEN UNDER MY HAND AND THE SEAL OF THE STATE OF SOUTH CAROLINA, THIS TWENTY-FIFTH DAY OF JANUARY, 2000.

JIM HODGES
GOVERNOR

No. 2000-05

WHEREAS, Executive Order 2000-03 suspended certain rules and regulations for 30 days relating to the transportation of liquefied petroleum gas (LPG); and

WHEREAS, it is necessary to expand the scope of that Executive Order in certain respects; and

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and LPG to residential and commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather and snowfall has increased the demand for the above-referenced fuels, and threatened the uninterrupted delivery of those fuels to residential and commercial customers; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390, et seq., limit the hours operators of commercial motor vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor of a State to suspend these rules and regulations for 30 days if the Governor determines that an emergency condition exists.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and LPG throughout

South Carolina. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 30 days or until the emergency condition ceases to exist, whichever is less.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

This Executive Order shall be retroactive to January 24, 2000. Executive Order 2000-03 is hereby superseded.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 28th DAY OF JANUARY, 2000.
JIM HODGES
GOVERNOR

NO. 2000-06

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

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

WHEREAS, forty-eight States of the United States, pursuant to statutory law, and one State, Louisiana, by way of Executive Order, have adopted extradition provisions that would allow South Carolina to extradite persons in their respective States that have committed an act in their respective States, or in a third State, that intentionally resulted in a crime in South Carolina; and

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

This Order takes effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 28th DAY OF JANUARY, 2000.

JIM HODGES
GOVERNOR

NO. 2000-07

WHEREAS, severe winter weather has impacted the State of South Carolina over the past five days, disrupting the lives of thousands of South Carolinians by causing power outages, extensive storm related debris, damage to public facilities, and disruptions to transportation systems; and

WHEREAS, many communities and individuals continue to struggle with ongoing recovery efforts following the impact of a severe storm that occurred on January 24 and January 25; and

WHEREAS, the National Weather Service now predicts that another winter storm will impact the State beginning early on January 29, resulting in significant accumulations of snow and ice for many areas of the State; and

WHEREAS, local governments continue to require supplementary recovery resources from the State, that will likely be expanded as a result of the continued severe winter weather; and

WHEREAS, electric utility companies providing critical service to our citizens anticipate additional power outages as a result of the predicted significant icing and may require government assistance in clearing access to utility rights-of-way; and

WHEREAS, the State's critical transportation routes must remain open and the safety of the potentially impacted motorists is of paramount concern.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that a state of emergency exists in South Carolina. I order that the South Carolina Emergency Operations Plan be placed into effect in order to provide for the health, safety, and welfare of the citizens and transients of the State. I further order that:

The South Carolina National Guard be placed on standby status and at the discretion of the Adjutant General and as determined necessary by the South Carolina Emergency Preparedness Division, specified units of the National Guard be placed on state active duty to assist civil authorities and to take all reasonable and necessary actions to prepare for and respond to the hazards posed by this severe winter weather, specifically to protect life and property.

All state and local government agencies perform all emergency functions assigned in the Emergency Operations Plan or as directed by the Director of the South Carolina Emergency Preparedness Division during this state of emergency.

GIVEN UNDER MY HAND AND THE SEAL OF THE STATE OF SOUTH CAROLINA, THIS TWENTY-EIGHTH DAY OF JANUARY 2000.

JIM HODGES
GOVERNOR

NO. 2000-08

WHEREAS, South Carolina has a wealth of unique historic and cultural resources throughout the state, including historic battlefields, main streets, residences, buildings and archeological sites that contribute to the Palmetto State's culture and identity; and

WHEREAS, the historic and cultural resources of the Palmetto State are a driving force in the investment of eco and heritage tourism dollars into the state; and

WHEREAS, there is a need to identify South Carolina's historic and cultural resources so they can be preserved and enjoyed by current and future generations and can continue to contribute to the state's economy.

NOW, THEREFORE, I hereby establish the Governor's Task Force on Historic Preservation and Heritage Tourism (hereinafter referred to as "the Task Force"), which shall have the following duties and responsibilities:

To prepare a background document outlining current programs in the state and identifying their strengths and potential; and

To determine how to facilitate the preservation of our many historic buildings, sites and landscapes through support for private stewardship; and

To determine how to remove impediments to the restoration, rehabilitation and preservation of historic resources in the policies of state and local government, and the business, financial and legal communities; and

To determine how to coordinate the many excellent preservation programs in South Carolina into a supportive, comprehensive approach toward the maximum utilization of the state's resources; and

To determine how to recognize and promote strategies for historic resources to ensure the best return on the state's preservation efforts in terms of our overall economic development strategy; and

To report to the Governor in a timely manner the findings and recommendations of the Task Force.

It is further provided that the Task Force shall have the following members:

The Governor, or his designee, who shall serve as Chair;

The Speaker of the State House, or his designee;

The President Pro Tempore of the State Senate, or his designee;

Chairman of the South Carolina Department of Archives and History;

Executive Director, South Carolina Department of Parks, Recreation & Tourism;

Director, South Carolina Institute of Archeology and Anthropology;

Superintendent, South Carolina Department of Education;

Executive Director, South Carolina Department of Transportation;

Executive Director, South Carolina Department of Natural Resources; and

The Secretary of Commerce.

It is further provided that the Governor can appoint seven members, one from each of the following categories:

Preservation professionals including architects, real estate professionals, land use planners;

Local historians;

Community or downtown revitalization interests;

Local government officials;

Local preservation interest organizations;

Statewide preservation interest organization; and

Minority heritage interest organizations.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3RD DAY OF FEBRUARY, 2000.

JIM HODGES
GOVERNOR

NO. 2000-09

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

WHEREAS, the undersigned is authorized to appoint members of the Board of Directors of the Pee Dee Mental Health Center for a term of four years and in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Section 44-15-60 (Supp. 1998); and

WHEREAS, Reverend M.W. Singleton of Florence, South Carolina, was previously named as the Florence District seat #5 representative of the Board of Directors of the Pee Dee Mental Health Center by a Governor of this State; and

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby remove Reverend M. W. Singleton from the Board of Directors of the Pee Dee Mental Health Center and declare the Florence District seat #5 vacant.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3RD DAY OF FEBRUARY, 2000.

JIM HODGES
GOVERNOR

No. 2000-10

WHEREAS, Zack Seymour, Laurens County Coroner, died on January 26, 2000; and

WHEREAS, the undersigned is authorized to appoint a County Coroner in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Sections 1-3-220(2) (Supp. 1998), 4-11-20(1) and 17-5-50; and

WHEREAS, Francis G. Nichols, Jr. of 107 Chestnut Street, Clinton, SC 29325, is a fit and proper person to serve as the Laurens County Coroner.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Francis G. Nichols as Coroner of Laurens County until the next general election and until his successor shall qualify.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 3RD DAY OF FEBRUARY, 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 February 25, 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 Horry County

Construction of an ambulatory surgery center with two (2) operating rooms restricted to endoscopy only.
Strand Gastrointestinal Endoscopy Center
Myrtle Beach, South Carolina
Project Cost: $ 1,026,527

Affecting Lexington County

Construction/expansion of the radiology department to add a second magnetic resonance imaging (MRI) scanner, for a total of two (2) MRI scanners.
Lexington Medical Center
West Columbia, South Carolina
Project Cost: $ 1,865,500

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 February 25, 2000. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert Whiteside, Director, Division of Planning and Certification of Need , 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 737-7200.

Affecting Charleston County

Purchase of a Positron Emission Tomography (PET) Scanner to be added to the downtown hospital campus.
Roper Hospital, Inc.
Charleston, South Carolina
Project Cost: $ 2,035,040

Affecting Darlington County

Purchase of a fixed based MRI scanner to replace the existing mobile MRI services.
Carolina Pines Regional Medical Center
Hartsville, South Carolina
Project Cost: $ 1,752,052

Affecting Florence County

Renovation for the addition of three (3) operating rooms and two (2) cystoscopic procedure rooms on the second floor of the McLeod Pavilion.
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: $ 5,646,873

Affecting Greenwood County

Construction of a freestanding ambulatory surgery center with 5 operating rooms.
The Surgery Center at Self Memorial Hospital.
Greenwood, South Carolina
Project Cost: $ 6,500,431

Affecting Horry County

Establishment of a freestanding multi-specialty ambulatory surgery center with two (2) operating rooms and related support spaces; the center is to be located in leased space in a Medical Office Building to be developed by Strand Office Partners, LLC.
Ocean Ambulatory Surgery Center
Myrtle Beach, South Carolina
Project Cost: $ 2,171,205

Affecting Lexington County

Construction/expansion of the radiology department to add a second magnetic resonance imaging (MRI) scanner, for a total of two (2) MRI scanners.
Lexington Medical Center Columbia
West Columbia, South Carolina
Project Cost: $ 1,865,500

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than March 25, 2000 to:

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

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

Class I	Class II
APEX Environmental	The Phoenix Group

BUDGET AND CONTROL BOARD
CHAPTER 19

Article 2 Information Resource Management
Statutory Authority: 1976 Code Section 25-5-10 *et seq.*

Notice of Drafting:

The Budget and Control Board proposes to draft new regulations establishing an electronic gateway to government information and services. Interested persons may submit comments to the Office of Information Resources, Budget and Control Board, 4430 Broad River Road, Columbia, South Carolina, 29210. To be considered, comments must be received no later than 5:00 p.m. on March 31, 2000, the close of the drafting period.

Synopsis:

The South Carolina Electronic Commerce Act became effective in May 1998. Among other things, this law authorizes the Budget and Control Board to promulgate regulations to enhance access to, and use of, public records and to facilitate, through technology, electronic commerce and "online government" and to do so through the use of the operation of free market sources rather than prescriptive legislation. The proposed regulations will establish an electronic gateway that will provide access to the information and services of multiple State and local government agencies. This will be accomplished by the use of current technology through a common Web site entry point designed for ease of use. The intent of the regulations will be to create a means to bring together participating public bodies to make their data available in a convenient, efficient and friendly manner to the general population desiring to access that information and to conduct transactions these public bodies. Use of such a gateway will also allow business to be conducted twenty-four hours a day, seven days a week. It is the intent of these regulations that procedures will be established to determine categories of uses, and fees, if any, for conducting transactions via the gateway. Fees will apply only in instances where special circumstances exist, such as the expense of the creation, maintenance or form of the information primarily benefits the commercial users, the State incurs a transaction cost, or established current practices impose fees. Strict care will be taken not to infringe on the privacy of any citizen by revealing personal data. It is expected that approximately 90-95% of the information and services available through the gateway will be without charge. The responsibility for the gateway, to be called the South Carolina Access Network (SCAN), will be within the Office of Information Resources of the Budget and Control Board.

DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Section 37-1-109 and
37-6-104 (1) (e)

Notice of Drafting:

The South Carolina Department of Consumer Affairs announces changes to Regulation 28-62 which adjusts dollar amounts in the South Carolina Consumer Protection Code. These changes are made to comply with the requirements of Sections 37-1-109 and 37-6-104(1)(e). To be considered, interested persons must submit their views in writing to David Allen, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757 by March 31, 2000.

Synopsis:

The proposed amendment indicates the dollar amounts in the South Carolina Consumer Protection Code Sections which shall change by increasing 10%. Sections 37-2-203 (2) and 37-3-203(2) have a self-executing formula of 40% tied to Sections 37-2-203(1) and 37-3-203(1) respectively. These sections shall change on July 1, 2000 in accordance with Section 37-1-109.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: Section 44-7-110 *et. seq*.

Notice of Drafting:

The Department of Health and Environmental Control proposes to revise Regulation 61-93, Standards for Licensing Outpatient Facilities for Chemically Dependent or Addicted Persons. Origination of this proposed amendment was initiated by publication in the State Register of a Notice of Drafting on February 26, 1999, followed by publication of a Notice of Proposed Regulation on September 24, 1999, as Document 2453. The S.C. Administrative Procedures Act requires that proposed regulations requiring legislative review shall be submitted to the General Assembly within one year of the publication date of the Notice of Drafting. To allow Department staff sufficient time to assess the comments received during the public comment period and to comply with the statutory filing deadline, the Department is canceling State Register Document No. 2453 and is reinitiating the promulgation process for this proposed amendment under this current Notice of Drafting. Public comments received as a result of the above-mentioned Notices, as well as this current Notice, will be considered in formulating the proposed regulations for further public comment. Interested persons may submit written comments to Jerry L. Paul, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., March 27, 2000, the close of the drafting comment period.

Synopsis:

The regulation is being rewritten in its entirety to include, but not be limited to, addition of standards for halfway houses, residential treatment facilities, detoxification facilities, and facilities for chemically dependent mothers with children; update and expand definitions; clarify licensing change requirements; update licensing fee amounts; describe inspection reporting requirements; add reference to Departmental consultations; enforcement action procedures; add facility policy/procedures and quality improvement standards; update sections related to treatment, services, and care; update sections regarding client record content and maintenance; update TB screening requirements; add reporting requirements; reword client rights; amend design and construction requirements; enhance narcotic treatment program standards to include site requirements; and add a severability clause.

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: Section 44-7-110 *et. seq*.

Notice of Drafting:

The Department of Health and Environmental Control proposes to revise Regulation 61-84, Standards For Licensing Community Residential Care Facilities. Interested persons may submit written comments to Jerry L. Paul, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., March 27, 2000, the close of the drafting comment period.

Synopsis:

The regulation is being rewritten to include, but not be limited to: update and expand definitions; clarify licensing change requirements; update licensing fee amounts; describe inspection reporting requirements; add reference to Departmental consultations; enforcement action procedures; add facility policy/procedures and quality improvement standards; update sections related to services and care; update sections regarding resident record content and maintenance; update TB screening requirements; add reporting requirements; amend design and construction requirements; and add a severability clause.
Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 30
(DHEC Office of Ocean and Coastal Resource Management)
Statutory Authority: S.C. Code Section 48-39-50

Notice of Drafting:

The Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM), proposes to amend R.30-12, *Specific Project Standards for Tidelands and Coastal Areas*, by adding new subsection R.30-12.Q. Interested persons may submit written comments to Richard Chinnis, Director of Regulatory Programs Division, at OCRM, 1362 McMillan Avenue, Suite 400, Charleston, South Carolina, 29405. To be considered, comments must be received by the close of business on March 27, 2000, the close of the drafting comment period.

Synopsis:

New subsection 30-12.Q will be added to R.30-12 to address the need of local governments and other entities to provide adequate stormwater drainage in the pursuit of public benefit. The new regulations will enable local governments to maintain existing drainage ditches and implement standards for the creation of maintenance shelves adjacent to existing ditches.

This amendment will be submitted to the Legislature for review.

JOBS – ECONOMIC DEVELOPMENT AUTHORITY

CHAPTER 68
Statutory Authority: S.C. Code § 43-41-90(A)

Notice of Drafting:

The South Carolina Jobs – Economic Development Authority proposes to repeal Regulation 68-10(B), Loan Eligibility Requirements. Interested persons should submit their views in writing to Elliott Franks, Executive Director of the South Carolina Jobs – Economic Development Authority, at 1201 Main Street, Suite 1750, Columbia, SC 29201.

Synopsis:

Regulation 68-10(B) currently prohibits the South Carolina – Jobs Economic Development Authority from making economic development bond loans or Community Development Block Grant loans to commercial and restaurant establishments, except under certain specifically defined circumstances. The purpose of repealing Regulation 68-10(B) is to allow South Carolina – Jobs Economic Development Authority to finance additional types of projects, provided that such projects are within the scope of the Authority's authorizing legislation and the South Carolina Constitution.

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 38

Statutory Authority: S.C. Code Section 23-6-450(e)(Supp. 1999).

Notice of Drafting:

The South Carolina Department of Public Safety proposes to amend some regulations in order to change the certification status for parole and probation officers from "Class 2 Certification" to "Class 1 Certification". Interested persons may submit comments to Rachel Erwin, S.C. Department of Public Safety, 5410 Broad River Road, Columbia, S.C. 29210. To be considered, comments must be received no later than 5 p.m. on March 3, 2000, the close of the drafting comment period.

Synopsis:

The Department proposes to amend S.C. Code Ann. Regs. 38-007 and 38-013 to classify parole and probation officers as "Class 1" law enforcement officers.

Legislative review of this proposal will be required.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, as amended, and 58-5-210

Notice of Drafting:

The Public Service Commission proposes to amend 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 1999) regarding the amount of bond that water and wastewater utilities must file with the Public Service Commission. Interested persons may submit comments to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than 4:45 p.m. on April 28, 2000, the close of the drafting comment period. Please refer to Docket No. 2000-0045-W/S in written comments forwarded to the Commission.

Synopsis:

On June 1, 1999, S.C. Code Ann. Section 58-5-720 (Supp. 1999) was amended by the South Carolina General Assembly. This amendment requires any water or sewer utility regulated by the Public Service Commission, for the construction, operation, maintenance, acquisition, expansion, or improvement of any facility or system, to file with the Commission a bond with sufficient surety or certificates of deposit in an amount not less than one hundred thousand dollars and not more than three hundred fifty thousand dollars payable to the Commission. The Commission is in the process of amending 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 1999) so that the amount of the bond in these regulations will be consistent with S.C. Code Ann. Section 58-5-720 (Supp. 1999).

Legislative review of this proposed regulation is required.

Document No.2506
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq*.

61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP)*

Preamble:

The United States Environmental Protection Agency (USEPA) in accordance with Section 112 of the Clean Air Act as amended in 1990, is required to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the USEPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the USEPA must develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules are generally known as "maximum achievable control technology" (MACT) standards. On June 24, 1995 [60 FR 32913], the USEPA granted full approval to the State of South Carolina under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal rules as promulgated.

The Department proposes to amend R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP)* of the Air Pollution Control Regulations and Standards, R.61-62, by adding a list of MACT standards for which prior delegation has been granted. These regulations will be incorporated into R.61-62.63 by reference and the title of the regulation will be revised to *National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP)*. Since this revision is consistent with Federal requirements, legislative review is not required.

A Notice of Drafting for the proposed amendment was published in the *State Register* on October 22, 1999. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions

SECTION CITATION:	EXPLANATION OF CHANGE
TITLE	Title is revised.
TABLE OF CONTENTS	Table is revised.
SUBPARTS C - E	Subparts C through E are added and reserved.
SUBPARTS F - I	Subparts F through I are added and incorporated by reference.
SUBPARTS J, K	Subparts J and K are added and reserved.
SUBPARTS L - O	Subparts L through O are added and incorporated by reference.
SUBPART P	Subpart P is added and reserved.
SUBPARTS Q - U	Subparts Q through U are added and incorporated by reference.

SUBPART V	Subpart V is added and reserved.
SUBPARTS W - Y	Subparts W through Y are added and incorporated by reference.
SUBPART Z	Subpart Z is added and reserved.
SUBPARTS AA - EE	Subparts AA through EE are added and incorporated by reference.
SUBPART FF	Subpart FF is added and reserved.
SUBPARTS GG - LL	Subparts GG through LL are added and incorporated by reference.
SUBPART MM, NN	Subparts MM and NN are added and reserved.
SUBPARTS OO - WW	Subparts OO through WW are added and incorporated by reference.
SUBPART XX	Subpart XX is added and reserved.
SUBPART YY	Subpart YY is added and incorporated by reference.
SUBPART ZZ - BBB	Subparts ZZ through BBB are added and reserved.
SUBPARTS CCC - EEE	Subparts CCC through EEE are added and incorporated by reference.
SUBPART FFF	Subpart FFF is added and reserved.
SUBPARTS GGG - JJJ	Subparts GGG through JJJ are added and incorporated by reference.
SUBPART KKK	Subpart KKK is added and reserved.
SUBPARTS LLL - NNN	Subparts LLL through NNN are added and incorporated by reference.
SUBPART OOO	Subpart OOO is added and reserved.
SUBPART PPP	Subpart PPP is added and incorporated by reference.
SUBPARTS QQQ - SSS	Subparts QQQ through SSS are added and reserved.
SUBPART TTT	Subpart TTT is added and incorporated by reference.
SUBPART UUU	Subpart UUU is added and reserved.
SUBPART VVV	Subpart VVV is added and incorporated by reference.
SUBPART WWW	Subpart WWW is added and reserved.
SUBPART XXX	Subpart XXX is added and incorporated by reference.

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 March 27, 2000, 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 regulation.

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 March 27, 2000. 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 regulation 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 regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 13, 2000, 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 amendments 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 March 27, 2000. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on April 13, 2000, 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 regulation for consideration at the public hearing on April 13, 2000, 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.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: The proposed amendment will add a list to R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP),* of maximum achievable control technology standards for which prior delegation has been granted. These regulations will be incorporated into R.61-62.63 by reference and the title of the regulation will be revised to *National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP)*.

Legal Authority: The legal authority for R.61-62 is Sections 48-1-30 through 48-1-60, S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon promulgation by the Board and publication in the *State Register*.

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

Section 112 of the Clean Air Act as amended in 1990 requires the United States Environmental Protection Agency (USEPA) to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the USEPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the USEPA must develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules are generally known as "maximum achievable control technology" (MACT) standards. On June 24, 1995 [60 FR 32913], the USEPA granted full approval to the State of South Carolina under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal rules as promulgated. This amendment incorporates a list by reference of those MACT standards for which delegation has been granted thereby clarifying the regulations and making them more useful for the regulated community. This regulation will be periodically revised as future Federal MACT standards are promulgated to keep the State regulation updated.

DETERMINATION OF COSTS AND BENEFITS: There will be no increased cost to the State or its political subdivisions nor will the amendment result in any increased cost to the regulated community. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendment merely adds a listing of these standards to the regulations. Adding this list to the regulations will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

Text:

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

Document No. 2514
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 59-149-10, 59-104-20

62-800--62-805 Palmetto Fellows and LIFE Scholarship Appeals

Preamble

The purpose of creating Appeals Regulations is to provide consistency among the LIFE Scholarship and Palmetto Fellows Scholarship programs while providing a process that is fair and encompasses the myriad of extenuating circumstances that might be encountered by students involved in both programs.

62-800 .00 Program Definitions

Provides definitions for terms such as: Appeal, Extenuating Circumstance, Immediate Family Member, Serious Health Condition, and Traumatic Event.

62-800.50 Identifying Eligibility for Scholarship Renewal

Defines the process in which institutions and the Commission on Higher Education must make students aware of the appeals process.

62-801.00 Filing an Appeal

Establishes the deadline for filing an appeal each year and lists the documents that must be included in an appeal application packet.

62-801.50 Extenuating Circumstances

Defines extenuating circumstances in which justify and appeal and are the following situations: serious health condition of the student; death or serious health condition of an immediate family member; or traumatic/extraordinary event.

62-802.00 Supporting Materials

Students are responsible for providing appropriate supporting documentation with their appeal.

62-802.50 Appeals Committee

Establishes the composition of the Appeals Committee. The committee is comprised of: two representatives from the staff of the S.C. Commission on Higher Education; one representative from the board of the Commission on Higher Education; three institutional representatives of which one will be from a public senior college, one from a private senior college, and one from a two-year/technical college; one representative from the General Assembly or legislative staff member; and one private or public high school guidance counselor representative.

62-803.00 Approval of Appeals

If an appeal is granted the student receives the scholarship funding for the academic year.

62-803.50 Notification Process for Appeals Decisions

Once the decision regarding an appeal has been determined, the Appeals Committee will notify both the student and the institution in writing.

62-804.00 Appeals Decision

The Appeals Committee's decision is final.

Notice of Public Hearing

The Public Hearing will be held on April 6, 2000 in the 1st Floor Conference Room in the Fleet Building (same building in which the Commission on Higher Education is located). The meeting will be held during the Access & Equity Committee meeting beginning at 10:30 a.m. Individuals may request to appeal before the Access & Equity Committee to Dr. Karen Woodfaulk, 803-737-2244; Commission on Higher Education, 1333 Main Street, Columbia, SC 29201

Preliminary Fiscal Impact Statement: Not applicable

Need and Reasonableness:

Statute 59-149-130 authorizes the Commission on Higher Education to promulgate regulations and establish procedures to administer the provisions of the LIFE Scholarship program Statute. Statute 59-104-20 authorizes the Commission on Higher Education to promulgate regulations and establish procedures to administer the Palmetto Fellows Scholarship program. In order to effectively administer the programs, procedures must be established to review extenuating circumstances that prevent a scholarship student from meeting the eligibility criteria.

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. 2507
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: Act 512, Part 2 Section 9
Division 2, Subdivision C, Subpart 1(6)
Act of Joint Resolution of South Carolina, 1984
Article 2, South Carolina Student Loan Corporation

62-132 Repayment

Preamble:

The South Carolina Commission on Higher Education proposes to amend 62-132, Repayment. The changes will expand the eligibility criteria for cancellation of outstanding South Carolina Teacher Loan Program obligations. Current regulations allow recipients cancellation eligibility when they teach in a subject area designated as critical at the time the loan is made. The proposed change will allow recipients cancellation eligibility when they teach in a subject area designated as critical at the time the loan is made or at the time the teaching service is provided.

Notice of Drafting for the proposed amendment was published in the State Register on December 24, 1999.

Section by Section Discussion

62-132(A)(1) Text is revised to indicate the expanded eligibility for cancellation.

Notice of Board Public Hearing and Opportunity for Public Comment:

The South Carolina Commission on Higher Education will conduct a public hearing for the purpose of receiving oral comments on April 6 at 9:30 am at 1333 Main Street, Suite 200, Columbia, SC. Written comments may be directed to Mr. Michael Fox, Vice President, PO Box 210219, Columbia, SC 29221 prior to March 31, 2000. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments of 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.

Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on April 6, 2000, as 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:

No additional state funding is requested.

Statement of Need and Reasonableness:

To provide a financial incentive to encourage Teacher Loan recipients to teach in critical subject areas of the state. DESCRIPTION OF REGULATION: 62-132, Commission ho Higher Education, South Carolina Teacher Loan Program, Repayment.

PURPOSE: Sub regulation 62-132(A)(1) is being amended to order the eligibility for recipients to cancel South Carolina Teacher Loan Indebtedness.

LEGAL AUTHORITY: Act 512, Part 2, Section 9, Division 2, Subdivision C, Subpart 1(6) Act of Joint Resolution of South Carolina, 1984.

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

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

The proposed regulation expands the eligible areas for South Teacher Loan cancellation and will provide an additional incentive for recipients to teach in areas of critical need.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to the State by encouraging recipients to teach in critical areas and to the recipients who provide teaching service in critical areas.

UNCERTAINTIES OF ESTIMATES: None

TEXT:

62-132 Repayment

A. A student who receives loans under this program shall be eligible to have 20% of the loan(s) cancelled for each full year, or 10% for each complete term of teaching experience as defined by the Board in the State in an

area of critical need, up to a maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

Document No. 2509
DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 38-3-110, et seq., 1-23-110, et seq., 38-9-180, et seq.

69-37. Annuity Mortality Tables

Preamble:

The Department of Insurance proposes to amend Regulation 69-37, Annuity Mortality Tables. The purpose of this amendment is to update the mortality tables to better reflect current experience for all annuity products issued in South Carolina by implementing the Annuity 2000 Mortality Tables.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on April 6, 2000 at 9:30 a.m. in Hearing Room at 1205 Pendleton Street, Columbia, South Carolina 29202. Interested persons should submit their views in writing to: Gwendolyn L. Fuller, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before April 6, 2000.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Statement of Need and Reasonableness:

The Department of Insurance is proposing these regulations to better reflect current experience for all annuity products.

Summary of Preliminary Assessment Report:

The promulgation of this Regulation will not result in substantial economic impact.

Text:

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

Document No. 2508
DEPARTMENT OF INSURANCE
CHAPTER 69
Statutory Authority: 1976 Code Sections 38-3-110, et seq., 1-23-110, et seq., 38-9-180, et seq.

69-57. Valuation of Life Insurance Policies

Preamble:

The Department of Insurance proposes Regulation 69-57, Valuation of Life Insurance Policies, to provide clarification of the appropriate reserve methodology for life insurance policies. Specifically, this Regulation may affect current reserving practices with respect to term and term-like policies.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on April 6, 2000 at 2:00 p.m. in Hearing Room at 1205 Pendleton Street, Columbia, South Carolina 29202. Interested persons should submit their views in writing to: Gwendolyn L. Fuller, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before April 6, 2000.

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. 2515
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93
Statutory Authority: 1976 Code Section 40-35-230

Preamble:

The Board of Long Term Health Care Administrators is considering drafting regulations to conform the licensing requirements for community residential care facility administrators to the requirements in the statute. The regulation will state the licensing requirements as set forth in the statute.

Section by Section Discussion:

Regulation 93-70
A. (2) Revises the section to reflect the requirements set forth in the board's statutory requirements for licensing community residential care facility administrators.

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 a.m. on Tuesday, April 11, 2000. Written comments may be directed to Dana Welborn, Board Administrator, Board of Long Term Health Care Administrators, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m. Monday , March 27, 2000.

Preliminary Fiscal Impact Statement

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:
Purpose: To conform the language in the regulation concerning the requirements for licensure of community residential care facility administrators to that in the statute.

Legal Authority: Statutory Authority: 1976 S.C. Code Title 40, Chapter 35 Section 230

Plan for Implementation: The licensing requirements that will be reflected in the new regulation are already in effect due to the current statutory requirements, so the regulation would become effective immediately.

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

The licensing requirements for community residential are facility administrators were amended in the statute in 1998 and need to be revised in the regulation as well to reflect the statutory change that is enforced by the board.

The benefits would include clarity of the requirements and consistency of the information contained in the board's Practice Act.

DETERMINATION OF COSTS AND BENEFITS:
There will be no cost incurred by the State. The regulation would provide clarity and consistency with the statute.

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

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

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH 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:

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. 2511
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which sets seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas. The following is a section by section summary of the proposed changes and additions.

1.2(B) Game Zone 2
Fants Grove WMA
- Establishes a quality deer management area with still gun hunts by computer draw.

1.2(C) Crackerneck WMA and Ecological Reserve
- Expands deer and small game seasons.

1.2(G) Francis Marion National Forest
- Establishes special hog hunts

1.2(H) Moultrie WMA
- Allows special hunts for women on Cross Station Site.

1.2(K) Tillman Sand Ridge WMA
- Allows additional either-sex hunts for primitive weapons

1.2(R) Santee Coastal Reserve
- Increases the deer harvest limit.

1.2(DD) Palachucola WMA
- Adds hog hunts.

1.2(QQ) Santee Dam WMA
- New WMA added.

1.2(RR) Rock Hill Blackjack HP WMA
- New WMA added.

3.2 - Adds crossbows as a legal method of take on WMA lands.

3.4 - Clarification by changing “weapon” to “center fire rifle”.

3.6 - Adds “railroad right-of-way” to the requirement for unloaded firearms on Public Service Authority property.

4.1 - Adds two additional days for man drives on either-sex days in the Central and Western Piedmont.

6.2 - Clarifies the use of ATV’s on Forest Service land.

10.16 - Adds Marsh WMA and Biedler Impoundment as Category II areas.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on April 4, 2000, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-1158 (1) through (3) and (9) through (11).

1. DESCRIPTION OF THE REGULATION:

Purpose: The proposed regulation sets seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas.

Legal Authority: Under Section 50-11-2200 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits and methods for taking game.

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

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

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

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of several existing regulations will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

9. UNCERTAINTIES OF ESTIMATES:

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

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

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. 2510
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Sections 58-3-140, as amended, 58-27-140, and 58-27-150

103-302(4) Definitions

Preamble:

The Public Service Commission is considering amending 26 S.C. Code Ann. Regs. 103-302(4) (1976). The proposed amendments would exempt any person or corporation providing electric service to their residents, employees or tenants, which charges their residents, employees or tenants no more than the actual cost of the electricity received from the supplier from the definition of an electrical utility. In addition, the proposed amendment modifies the present exemption language from those entities furnishing electricity only to their resident employees or tenants, to those entities furnishing electricity only to their residents, employees or tenants.

A Notice of Drafting was published in Volume 24, Issue No. 1 of the *State Register* published January 28, 2000.

Section-by-Section Discussion

103-302(4) The existing text of Regulation 103-302(4) is being amended to clarify the exclusion of certain persons and corporations from the definition of an electrical utility.

Notice of Public Hearing and Opportunity for Public Comment:

Individuals interested in commenting on the proposed regulation may do so by submitting comments in writing to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than 4:45 p.m. on March 15, 2000, the close of the drafting comment period. Please refer to Docket No. 1999-505-E in written comments forwarded to the Commission. A public hearing on the proposed amendments to 26 S.C. Code Ann. Regs. 103-302(4) (1976) will be held on April 27, 2000, at 10:30 a.m. before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 103-302(4), DEFINITION OF AN ELECTRICAL UTILITY

Purpose: The purpose of the amendments to 26 S.C. Code Ann. Regs. 103-302(4) is to exclude certain persons and corporations who provide electric service and charge no more than the actual cost of the electricity received from the supplier or who do not resell the current, from the definition of an electrical utility.

Legal Authority: The legal authority for amending the proposed regulation regarding the definition of an electrical utility is Sections 58-3-140, as amended, 58-27-140, and 58-27-150 of the 1976 S.C. Code of Laws.

Plan for Implementation: The amended regulation will take effect upon approval by the General Assembly and publication in the *State Register*. After the regulation takes effect, certain types of persons and corporations will be exempt from the definition of an electrical utility.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed amendments to 26 S.C. Code Ann. Regs. 103-302(4) (1976) would eliminate the need for the Public Service Commission to regulate persons and corporations who are merely passing through the cost and not reselling electricity to himself or itself, their residents, employees or tenants. The promulgation of the amendments to 26 S.C. Code Ann. Regs. 103-302(4) (1976) will allow the Public Service Commission to devote more time to resolving complaints that arise concerning an entity that falls within the scope of the definition of an electrical utility. In addition, the enactment of the proposed amendments to the regulation will more narrowly define an electrical utility.

DETERMINATION OF COSTS AND BENEFITS: Although the State will not incur any additional costs upon the promulgation of the amendments to 26 S.C. Code Ann. Regs. 103-302(4) (1976), the proposed amendments expound and improve the current definition of an electrical utility.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The promulgation of the amendments to this regulation will not have an effect on the environment or public health. However, the proposed amendments will provide a more comprehensive definition of an electrical utility.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if the proposed amendments to 26 S.C. Code Ann. Regs. 103-302(4) (1976) 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. 2512
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: S.C. Code Ann. Section 43-1-80

114-110 Fair Hearings

Preamble:

The Department proposes to amend and replace in its entirety Article I of Chapter 114, Department of Social Services Fair Hearings. The proposed amendment will clarify general procedures in the Office of Administrative Hearings and Individual & Provider Rights, and also concentrate in one Chapter the various appeal rights under specific Federal and State programs administered by the Department.

Section-by-Section Discussion
Article I – Fair Hearings

Section Citation	Explanation of change
114-100	Former Section 114-110(A); defines additional terms relating to the hearing process and the Office of Administrative Hearings
114-110	Sets forth purpose of the fair hearing process
114-120	Sets forth objectives of the fair hearing process
114-130(B)	Sets forth general fair hearing procedures to apply in all cases, unless a specific program provides otherwise
114-130(C)	Former 114-110(T)(1); clarifies claimant's right to representation
114-130(D)	Sets forth the role of counsel to Office of Administrative Hearings
114-130(E)	Former 114-110(H); sets forth and expands conduct and duties of hearing officers; provides procedure for disqualification of hearing officers/committee members
114-130(F)	Defines and prohibits ex-parte communication
114-130(G)	Former 114-110(E)(1); describes scheduling and time frame; priority given to cases involving the placement of children
114-130(H)	Former 114-110(E)(1)(e), 114-110(f); provides for dismissals and for reinstatement of case upon timely request for good cause
114-130(I)	Former 114-110(J); describes and expands general conduct of hearing including opening and closing statements, evidence, swearing of witnesses, objections, child witnesses, out-of-court statements by certain children

114-130(J)	Former 114-110(L); describes decision and its effect
114-130(K)	Provides for the Office of Administrative Hearings reconsideration of a decision on motion of a party or of the Office of Administrative Hearings; reasons for reconsideration; procedure to be followed on reconsideration
114-130(L)	Describes record of final administrative decision
114-130(M)	Former 114-110(M); describes appeal and preparation of transcript
114-140	Describes appeal procedures for foster care program; shifts jurisdiction from the Administrative Law Judge Division
114-150	Describes specific appeal procedures for adoptions
114-160	Describes specific appeal procedures for day care
114-170	Describes specific appeal procedures for child protective services
114-180	Describes specific appeal procedures for eligibility hearings under Food Stamp and Family Independence programs, Administrative Disqualification Hearings and Electronic Benefit Transfer Hearings
114-190	Describes specific appeal procedures for food services

Notice of Public hearing and Opportunity for Public Comment:

There will be an opportunity for public comment and hearing. Written comments should be addressed to:

Ms. Lynn McLendon, Director
Individual & Provider Rights
Department of Social Services
P. O. Box 1520
Columbia, South Carolina 29202-1520

And sent within thirty (30) days from the date of publication, February 25, 2000. A public hearing, if necessary will be scheduled for Wednesday, April 12, 2000, at 10:00 a.m. at The Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

The Department of Social Services and the Office of Administrative Hearings estimate there will be no additional cost incurred by the State and its political subdivisions in complying with the proposed regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Fair Hearings

Purpose: The regulation describes the general fair hearing procedures and appeals process, delineating time frames and describing the authority of the hearing officer and the Office of Administrative Hearings. The Regulation also includes appeal procedures under certain specific programs administered by the Department. For the convenience of those involved in the fair hearing process, including claimants, social workers, attorneys, and the Department, these procedures are consolidated into one chapter. The purpose of the Regulation is to clarify the general appeals procedures to be followed by the Office of Administrative Hearings, the rights of the parties,

and the duties of the hearing officer in general, as well as the appeals procedures to be followed in specific Federal and State programs administered by the Department.

Legal Authority: Legal authority for this Regulation is found in Section 43-1-80 of the South Carolina Code Annotated (1976). Except for the shift of jurisdiction in some foster care cases from the Administrative Law Judge Division to the Office of Administrative Hearings, there is very little substantive change. The caseload, policies, and procedures of the Office of Administrative Hearings are expected to remain the same.

Plan for Implementation: As soon as the Regulation is final, it will be disseminated throughout the Department. Pamphlets advising clients and the general public of their rights and the appeals process will be distributed. The foster care cases that were previously heard by the Administrative Law Judge Division are negligible in number (approximately four annually) and will have virtually no effect in the scheduling and holding of hearings.

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

The proposed Regulation is needed to explain the Department's fair hearing procedures and the individual program requirements in the Federal and State programs administered by the Department. The amended Regulation includes changes in the Committee member duties in some cases; changes in foster parent appeal rights; changes mandated by the Children's Code and compliance with the revised Family Independence Act. The Regulation is a reasonable way to inform clients, attorneys, and the parties of their rights and the hearing process.

DETERMINATION OF COST AND BENEFITS:

No cost is anticipated as the Regulation clarifies and consolidates fair hearing procedures currently carried out by the Department.

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.

Resubmitted May 18, 1999

Document No. 2400
DEPARTMENT OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 S.C. Code Section 59-5-60

R43-57.1. Computing Experience for Teachers

Synopsis:

The State Board of Education promulgated amendments to Sub-regulation 43-57.1, Computing Experience for Teachers. The regulation will clarify requirements for those individuals seeking a teaching certificate in South Carolina as addressed below:

The promulgated amendment inserts the revised language approved by the State Board of Education in May 1991.

Instructions: This sub-regulation is being amended and will read as follows:

Text:

R43-57.1. Computing Experience for Teachers

In the computation of experience credit, the following conditions will apply.

Full-time Equivalents (FTEs) of the 190-day school year will be utilized as the basis of computation. The minimum experience to be credited shall be one-tenth (.1) FTE per year; the maximum experience to be credited shall be one (1) FTE per year.

1. Requirements for One Year of Experience

The teacher shall have been employed under contract in a full-time teaching position for-eight-tenths (.8) of the FTE (152 days of the 190-day school year). Partial FTEs accrued over multiple years shall be credited as one year of teaching experience upon reaching a total of at least eight-tenths (.8) of an FTE.

2. Requirements for less than one full year experience.

The teacher shall have been employed under contract in a regular teaching position on a full-time or part-time basis for at least one-tenth (.1) FTE (19 days of the 190-day school year).

Summer school teaching experience may be used toward satisfying the eight-tenth (.8) FTE minimum requirement for one (1) year of teaching experience. Credit will be earned at the rate of two (2) days of summer school as the equivalent of one (1) regular school day provided the teacher works one (1) session four (4) hours per day. Credit will be earned at the rate of one (1) day of summer school as the equivalent of one (1) regular school day provided the teacher works two (2) sessions eight (8) hours per day. Summer school days shall be added to the accrued teaching days of the preceding school year.

Fiscal Impact Statement:

The Department of Education estimates that there will be no costs incurred to the State and its political subdivisions in complying with the promulgated regulation.

Document No. 2494
BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Section 34-1-60 and 34-1-110
Article 1. Banking, Commercial Paper and Finance

15-21 State Bank Investments, Fixed Assets.

15-25 Purchase of Property for Future Expansion.

Synopsis:

The amendment of Regulation 15-21 would increase the amount a State chartered bank is allowed to invest in fixed assets from 60% to 100% of the combined outstanding capital stock, surplus, and capital notes and/or debentures of the bank. The amendment of Regulation 15-25 would extend the chargeoff period from two to five years on property acquired for future expansion that is not used for the purpose for which it was purchased by State chartered banks and savings and loan associations. The amendments are being proposed to provide State chartered banks and savings and loan associations parity with Federally chartered institutions.

Instructions:

Amend Regulations 15-21 and 15-25 by replacing with text listed below.

Text:

15-21. STATE BANK INVESTMENTS, FIXED ASSETS.

(Statutory Authority: 1976 Code Section 34-1-60)

Hereafter and without the approval of the Board of Financial Institutions, banks may make investments in bank premises, furniture and fixtures, equipment, loans on properties that are leased to the bank, and stocks of subsidiary corporations organized to hold title to banking house properties that have been approved by the Board of Financial Institutions under Regulation 15-1, as amended, PROVIDED that the aggregate of such investments does not exceed one hundred percent (100%) of the combined outstanding capital stock, surplus, and capital notes and/or debentures of the bank; and PROVIDED further that the investment in fixed assets does not include property purchased for future expansion that is not adjacent to the present banking house or branch property, in which case prior written approval of the Board of Financial Institutions shall be obtained.

15-25. Purchase of Property for Future Expansion.

(Statutory Authority: 1976 Code Section 34-1-60)

After prior approval of the Board of Financial Institutions, State chartered banks and State chartered savings and loan associations may purchase property for future expansion, provided that if the property is not used for the purpose for which it was purchased within five years from date of purchase, the financial institution shall charge off 25% of the cost price of the property before the end of the fifth year from date of purchase and continue such annual 25% charge-off program for the next successive three years so that at the end of eight years from date of purchase the property will be charged down to a book value of $1.

Document No. 2350
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Ann. Sections 44-1-140(11) and 48-1-10 *et seq*.
(1976 Code, as amended)

R.61-57. Development of Subdivision Water Supply and Sewage Treatment/Disposal Systems

Synopsis:

This regulation will ensure that new subdivisions have site and soil conditions that are suitable for the use of onsite wastewater (septic tank) systems, where such systems are proposed as the method of sewage treatment and disposal. This regulation also provides the opportunity for the public to offer comments regarding the use of onsite systems in new subdivisions. R.61-57 is being replaced in its entirety. See Summary of Changes and Statement of Need and Reasonableness herein.

Summary of Changes:

Section	Revision
Title	The title of the regulation is changed stylistically to ADevelopment of Subdivision Water Supply and Sewage Treatment and Disposal Systems.≅
61-57(VI)	This section was changed from APenalties≅ to APublic Notice and Public Hearings≅ to establish public notification of a pending project or activity and to provide an opportunity for the public to submit comments and to request public hearings.
61-57(VIII)	With the additions to the regulations, the costs associated with the Department=s evaluation procedures for new subdivisions will increase. Current resource levels are not sufficient to accommodate the expected increase, and this section allows for application fees to be collected.
61-57(IX)	AContested Cases≅ was added to give specific provisions for the appeal of approvals or disapprovals of subdivisions.
61-57(I)	The purpose of the regulation was updated with more detailed language.
61-57(II)	The definitions were put in alphabetical order. Language on some of the definitions were changed to clarify meaning. The following definitions were added: Approval, Onsite Wastewater System, Person, Public Notice, Public Sewer System and Public Water System. The following definitions were deleted: Building, Subdivider, Engineer, Land Surveyor and Qualified Person. Definition AE≅ was further changed by adding A...or agent acting on behalf of an applicant.≅ The definition of Public Notice was revised to include the proposed method of water supply.
61-57(III)	Replaced AObjectives≅ with AScope and Applicability.≅ A, B, C, D and E were moved to other sections of the regulation to simplify and categorize procedures.
61-57(IV)	The AProcedures≅ section was changed to the APublic Water and Sewer Systems≅ to give more detail on public water and sewer service. The title of this section was changed to better clarify the purpose of the section.
61-57(V)	AEnforcement Interpretation≅ revised to AApplication and Approval Procedures≅ to allow step-by-step procedures to simplify approval process. Paragraph C of the Section was amended to omit references to system densities and the potential cumulative impacts of onsite systems.
61-57(VI)	The requirement to sign-post public hearings was added to this section. The section was also revised to specify the number of days the Department has to make a decision regarding a request for a public hearing.
61-57(VII)	This section was added to clarify and enhance the Department=s participation and coordination with local governments. Paragraph B was revised to require that approvals under the regulation be in compliance with applicable Section 208 Water Quality Management Plans.
61-57(X)	This section was moved to allow for other needed sections.
61-57(XII)	AUnconstitutionality Clause≅ was changed to the updated ASeverability Clause≅ and moved to allow for added sections.

Instructions: Replace existing R.61-57 in entirety with this amendment, State Register Document No. 2350.

Text:

61-57. DEVELOPMENT OF SUBDIVISION WATER SUPPLY AND SEWAGE TREATMENT AND DISPOSAL SYSTEMS

I. SECTION I - PURPOSE

To protect public health by preventing the spread of diseases transmitted through wastewater or drinking water. To protect the environment by preventing contamination of ground water and surface waters of the State. To ensure that new subdivisions are provided with safe drinking water supplies and adequate sewage treatment and disposal systems.

II. SECTION II - DEFINITIONS

A. Approval: A written document issued by the Department setting forth the general conditions under which onsite wastewater systems may be used as the method of sewage treatment and disposal within a proposed subdivision. An approval issued under this regulation shall specify the method of water supply that will be required or allowed for the development. An approval shall not constitute a permit to construct or operate an onsite system, nor shall an approval constitute a permit to construct or operate a public, community or private drinking water system.

B. Department: The South Carolina Department of Health and Environmental Control acting through its authorized representatives.

C. Lot: A designated parcel of land situated within a subdivision intended for use as a building site.

D. Onsite Wastewater System: A sewage treatment and disposal system as defined in Regulation 61-56.

E. Person: Any individual, firm, company, business or association, or an agent acting of behalf of an applicant.

F. Public Notice: A statement notifying the public that approval is being sought to allow the use of onsite wastewater systems as the method of sewage treatment and disposal for a specific, proposed subdivision and offering the public an opportunity to provide the Department with comments pertaining to the proposed use of onsite systems within the development. The proposed method of water supply shall also be included in the public notice.

G. Public Sewer System: A system owned and operated by a public entity or publicly owned treatment works as defined in Regulation 61-67 and Regulation 61-9 respectively.

H. Public Water System: A public water system as defined in Regulation 61-58.

I. Subdivision: Any tract or parcel of land that is subdivided into two or more lots for the immediate or future purpose of building development. This definition shall apply whether the lots are to be sold, rented or leased.

SECTION III - SCOPE AND APPLICABILITY

This regulation establishes procedures for the evaluation, approval and disapproval of subdivisions where the use of onsite wastewater systems is proposed as the method of sewage treatment and disposal. The standards that govern the construction and siting of onsite systems are included in Regulation 61-56.

SECTION IV - ACCESSIBILITY AND NEED FOR PUBLIC WATER AND SEWER SYSTEMS

A. If approved public water and/or public sewer service is accessible for connection or if the Department determines that such service is necessary to protect public health and the environment, subdivisions developed after the effective date of this regulation shall be served by public water and/or public sewer systems. In making determinations pertaining to the accessibility and/or need for public water and public sewer, the Department shall consider the following:

1. The proximity of existing systems to proposed development sites.

2. The condition and status of existing systems. Condition and status in this context shall relate to service capacities and potentials, compliance histories and other factors as deemed appropriate by the Department.

3. Zoning, building and other codes and ordinances established by local governmental entities.

4. The short term and long range plans of local Councils of Governments, regional planning agencies, cities, towns, counties, public service districts, water and sewer authorities and other local governmental entities.

B. All public water and sewer systems serving subdivisions shall be installed, operated and maintained in accordance with applicable laws, regulations and standards.

SECTION V - APPLICATION AND APPROVAL PROCEDURES

A. No lot shall be sold in any subdivision where onsite systems are proposed as the method of sewage treatment and disposal unless the owner or agent has received a written approval from the Department. No approval under this regulation shall be required for subdivisions that are served by public sewer systems.

B. Any person planning to develop a subdivision utilizing onsite systems shall first submit to the Department an Application for Subdivision Approval. The application shall contain accurate information that is needed in determining the feasibility of onsite systems.

1. Each application shall be accompanied by a preliminary or boundary plat of the proposed subdivision. The plat shall be drawn to scale and shall include information needed to evaluate the potential to use onsite systems in the subdivision. Such information may include but not be limited to: lot lines with dimensions, roads and streets, easements, location sketch, directional indicators, contours, watercourses and other features as deemed necessary.

2. The Department may require an applicant to submit additional tests or information regarding site and soil conditions within the proposed subdivision. These may include backhoe test pits, soil auger borings, soils classifications and other information as deemed necessary.

3. Each application shall include or be accompanied by a statement identifying the nearest public water and sewer systems. Confirmation regarding the accessibility of public water and sewer systems may be required by the Department.

C. In determining the feasibility of allowing the use of onsite systems, the Department shall consider those factors that can potentially affect the operation of such systems, public health and the environment. These factors include but are not necessarily limited to: public sewer accessibility, topographical conditions and natural features, soil conditions, depth to ground water and other restrictive horizons, proximity to surface waters, proposed method of water supply, size of lots, total number of lots, long term maintenance needs of onsite systems, and other factors as deemed appropriate. An approval under this regulation shall not be issued for any subdivision where the use of onsite systems is not feasible.

D. Each lot to be considered for an onsite system shall be of sufficient size to provide for the construction of the system; allow for all proposed buildings, easements, water wells governed by Regulation 61-71 and other improvements; and provide adequate space with suitable soil conditions for the full replacement or repair of soil absorption systems.

E. Prior to the issuance of an approval, the owner shall submit to the Department a final, recordable plat of the subdivision. The final plat shall be prepared and signed by a Registered Land Surveyor or other similarly qualified person and shall include all information and features listed in paragraph B.1. of this Section. The Department may require that additional information be included on the final plat to include but not be limited to delineations of wetlands and Coastal Zone Management Critical Areas.

F. An approval may be rescinded if any changes are made to the final subdivision plat without prior authorization from the Department.

G. The approval of a subdivision may be rescinded if any site modifications are made that adversely affect the potential to use onsite systems in the development.

H. The resubdividing of any lot situated within an approved subdivision shall be subject to the requirements of this regulation. The resubdividing of lots shall not be approved, and permits for onsite systems shall not be issued if the resultant increase in the number and density of onsite systems within the area of the subdivision would potentially pose a threat to public health and the environment.

SECTION VI - PUBLIC NOTICE AND PUBLIC HEARINGS

A. The Department shall give public notice of applications to approve onsite wastewater systems as the method of sewage treatment and disposal in new subdivisions. Public notices under this regulation shall allow fifteen days for public comment, and all comments shall be considered. No approval or disapproval shall be issued prior to the end of the comment period. Public notice shall not be required for minor revisions to applications.

B. Each public notice of application shall contain the following information:

1. A brief description of the proposed subdivision and a statement that approval is being sought to use onsite wastewater systems as the method of sewage treatment and disposal in the development. The notice shall also specify the proposed method of water supply.

2. The beginning and ending dates of the public comment period.

3. The name of the person seeking approval of the subdivision.

4. The name, address and phone number of the office that is responsible for processing the application and accepting public comment.

C. Public notice of an application shall be given by the following methods:

1. Posting a sign at a conspicuous location at or near the entrance to the subdivision.

2. By mailing a copy of the notice to persons on a mailing list. Persons on a mailing list shall include those who have made written requests to receive public notices under this regulation and any local, state or federal governmental agency having jurisdiction over the area where the proposed subdivision is located. The Department may periodically update mailing lists.

3. The Department may employ additional methods of public notice where needed.

D. During the fifteen-day comment period, any interested person may file a petition with the Department for a public hearing on an application for subdivision approval. A petition for a public hearing shall indicate the specific reasons why a hearing is requested and shall specifically identify which portions of the application or other information constitutes necessity for a public hearing. If the Department determines that a petition constitutes significant cause or that there is sufficient public interest in an application for subdivision approval, it may direct the scheduling of a hearing. A decision regarding a request for a public hearing shall be made within five days following the close of the public comment period.

1. Public notice of a hearing shall be issued at least fifteen days prior to the scheduled date of the hearing. Public notice of hearing shall be given by mailing a copy of the notice to persons on a mailing list and by posting notice at or near the entrance to the proposed subdivision. Other methods of distribution may be used by the Department as needed. All comments submitted during a public hearing shall be considered by the Department.

2. In cases where a public hearing is conducted, the Department shall not approve or disapprove the application for subdivision approval until at least two business days following the conclusion of the hearing.

3. A tape recording or written transcript of the hearing shall be made available to the public.

SECTION VII - COOPERATION WITH LOCAL GOVERNMENTS

A. The Department shall cooperate to every extent feasible with counties, cities, towns and other local governmental entities that have adopted building, zoning or planning ordinances or procedures that govern the local review and approval of land development. No approval under this regulation shall be issued if such approval would be in conflict with the requirements established by local governmental entities.

B. No approval under this regulation shall be issued if such approval would be in conflict with the applicable Section 208 Water Quality Management Plan.

SECTION VIII - APPLICATION FEES

A. Each person applying for approval under this regulation shall pay to the Department an application fee. The fee shall be paid at the time of application and shall not be refundable.

B. Fees collected under this regulation shall be used by the Department for implementation of the subdivision evaluation procedures, public notices and public hearings.

C. The fee shall be based on the number of proposed lots in the section or phase of a subdivision for which approval is sought and shall be in accordance with the following:

1. For subdivisions consisting of two to fifteen lots, the fee shall be $50.

2. For subdivisions consisting of sixteen to forty lots, the fee shall be $100.

3. For subdivisions consisting of more than forty lots, the fee shall be $150.

SECTION IX - CONTESTED CASES

Approval or disapproval of a subdivision application may be appealed as a contested case pursuant to the Administrative Procedures Act, Regulation 61-72, and procedures established by the Administrative Law Judge Division. Appeals shall be directed to the Clerk of the Board of Health and Environmental Control.

SECTION X - ENFORCEMENT

This regulation is issued under the authority of Section 44-1-140 (11) and Section 48-1-10, *et seq*. of the 1976 Code of Laws of South Carolina, as amended, and subsequent legislation.

SECTION XI - PENALTIES

Violation of this regulation shall be punishable in accordance with Section 44-1-150, 48-1-320, and 48-1-330 of the 1976 Code of Laws of South Carolina, as amended, and each day of continued violation shall be a separate offense.

SECTION XII - SEVERABILITY CLAUSE
Should any section, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

Fiscal Impact Statement:

There will be an increase in cost to the State in the implementation of the regulation. Current resources of the Department are not sufficient to implement the regulation, and additional funding will be needed. While it is expected that the increased cost to the Department will be in excess of one hundred and fifty thousand dollars ($150,000), the exact cost cannot be determined until full implementation of the regulation.

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 purpose of these amendments is: to incorporate recommendations submitted by the public, an internal review committee and other appropriate staff; delete specific language that is outdated; revise and clarify language pertaining to application and review procedures; list those factors considered by the Department in determining accessibility of public water and public sewer and the general feasibility of septic systems in new subdivisions; place greater emphasis on participation and coordination with local governments in the review of proposed developments where septic systems are requested. R.61-57 will be replaced in entirety. See Synopsis, Summary of Changes, and Determination of Need and Reasonableness below.

Legal Authority: The legal authority for R.61-57 is S.C. Code Sections 44-1-140(11) and 48-1-10 *et seq*.

Plan for Implementation: These amendments will take effect upon approval by the General Assembly and publication in the State Register. The amendments will be implemented in the same manner in which the present regulation is implemented.

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

The regulation will provide the public with greater access to the review process for new subdivisions where individual septic systems are proposed as the method of sewage disposal. Inherent with this greater access will be

increased opportunities to provide the Department with comments regarding proposed new developments and the potential cumulative impacts of septic systems and to request that the Department conduct public hearings.

The regulation will list the factors that are considered in making determinations relative to the feasibility of septic systems in new developments and will provide improved instructions for persons applying for subdivision approvals.

The regulation will provide a clear avenue for appeal of subdivision approvals and disapprovals.

The regulation will provide enhanced opportunities for local governments to participate in decisions pertaining to accessibility of public water and public sewer and the general feasibility of individual septic systems in new developments.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to the public because of enhanced opportunities to offer comments regarding the use of septic systems in new developments. There will also be enhanced opportunities for the public to ask questions, review documents and generally receive more information regarding septic systems and their possible impacts on public health and the environment. Local governments will also benefit because of increased participation in the review and approval and disapproval of proposed subdivisions.

There will be additional costs to the State and to the regulated community.

Internal Costs: The additional costs to the Department will be those incurred: in the additional resources needed to process and post public notices; in the additional resources needed to receive, consider and respond to public comment; in the additional resources needed to conduct public hearings; in the procurement of signs and other materials associated with public noticing; in the procurement of the services of court recorders and other costs associated with public hearings; in the additional resources needed to process and participate in appeals. While it is expected that the additional cost to the Department will be in excess of one hundred and fifty thousand dollars ($150,000), the problem in specifying the precise amount of the additional cost is presented in the section AUncertainties of Estimates≅.

External Costs: The additional costs to the regulated community will be those incurred as a result of the additional time needed to develop answers to applications for approval, primarily in those cases where the Department will find it necessary to conduct public hearings. Delays of this type may result in developers being assessed additional interest payments on borrowed monies. Developers will also incur additional costs associated with delays and legal fees where appeals of subdivision approvals are initiated. The problem in specifying these additional costs is presented in the section AUncertainties of Estimates≅.

UNCERTAINTIES OF ESTIMATES: Additional costs to the Department can only be quantified after implementation of the regulation. The extent of public participation, public hearings, appeals, number of subdivision applications and number and types of public notices will be factors affecting the total cost. The experience of the Department in the previous three years indicates that public participation, hearings and appeals will increase in the future, though the precise degree of increase cannot be predicted.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: The amendments are not expected to have a measurable effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REVISIONS IN THE REGULATION ARE NOT IMPLEMENTED: No measurable detrimental effects to the environment and public health are expected if the amendments are not implemented.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-55-10 et seq.

R.61-58. State Primary Drinking Water Regulations

Synopsis:

The Department has amended R.61-58. to adopt federal requirements promulgated December 16, 1998, under the National Primary Drinking Water Regulations. These changes meet federal requirements of the Disinfectants and Disinfection Byproducts Rule as well as the Interim Enhanced Surface Water Treatment Rule. Also, the Department has made minor changes to Consumer Confidence Reports regulations to maintain consistency with the reporting requirements of the Disinfectant and Disinfection Byproducts Rules and minor changes to unregulated contaminant monitoring to eliminate some monitoring of small systems which is no longer required by federal regulation.

These regulations comply with federal law pursuant to 40 CFR parts 141 and 142 (final Disinfectants and Disinfection Byproducts Rule and final Interim Enhanced Surface Water Treatment Rule) published in the Federal Register on December 16, 1998 (63 FR 69478 and 63 FR 69390)

A fiscal impact statement or an assessment report is not applicable. Legislative review of this amendment is not required.

Section-by-Section Discussion of Revisions

SECTION	CHANGE
R.61-58(B)	Thirteen (13) new definitions are added in alphabetical/numerical order. In addition, the definition of "Ground water under the direct influence of surface water" is revised to include Cryptosporidium for systems serving at least 10,000 people.
R.61-58.5.S(2) & (3)	Revised to establish dates for phasing out the existing Total Trihalomethane (TTHM) Maximum Contaminant Level (MCL) for different system sizes and types to coincide with the effective dates of the new MCL included in the amendment.
R.61-58.5.T(1), T(1)(a) & (b)	Revised to eliminate compliance dates which have already passed. (T(1)(a) & (b) are deleted.
R.61-58.5.T(14)	New subsection added to establish dates for phasing out other existing TTHM requirements for different system sizes and types to coincide with new requirements included in this amendment.
R.61-58.5.CC(1)	Revised introductory paragraph to remove the requirement for systems serving less than 10,000 people from monitoring for unregulated contaminants listed in R.61-58.5(CC) and to delete an outdated reference. List of contaminants remain the same.
R.61-58.5.GG	This new section is added to add new MCLs for disinfection byproducts and to establish effective dates for the new MCLs for different system sizes and types.
R.61-58.5.HH	This new section is added to add new Maximum Residual Disinfectant Levels (MRDLs) for disinfectants and to establish effective dates for the new MCLs for different system sizes and types.

R.61-58.6.E(1)	Revised introductory paragraph to add requirements for public notification for systems which exceed the MRDL for a disinfectant residual. Subitems E(1)(a), (1)(a)(i)and (ii) remain the same.
R.61-58.6.E(1)(a)(iii)	Subsection item is revised to include a violation of the chlorine dioxide MRDL as an acute risk to human health
R.61-58.6.E(3)	Revised to add requirements for providing a copy of the most recent public notification for any outstanding violation of a MRDL to new billing units.
R.61-58.6.E(5)(www) through (bbbb)	New subitems are added to include mandatory health effects language for Chlorine, Chloramines, Chlorine Dioxide, disinfection byproducts (DBPs) and treatment techniques for DBPs, Bromate and Chlorite.
R.61-58.7.B(4)	Revised to add requirement that analyses conducted for compliance with monitoring requirements of R.61-58.13 be conducted by a certified laboratory.
R.61-58.7.C(7)	Revised to add requirement that analyses conducted for compliance with monitoring requirements of R.61-58.13 be conducted by a certified laboratory.
R.61-58.10.A	Revised to include additional requirements for public water systems which use surface water source or ground water source under the influence of surface water and serve at least 10,000 people. This section is also revised stylistically to correct the outline.
R.61-58.10.C(2)(f)	Revised to make compliance dates consistent with new disinfection byproduct control requirements.
R.61-58.10.E(1)(c)	Added to include additional requirements for public water systems which serve at least 10,000 people.
R.61-58.10.E(4)	Revised to include additional requirements for public water systems which serve at least 10,000 people.
R.61-58.10.H	New section added to include new requirements for public water systems which use surface water source or ground water source under the influence of surface water and serve at least 10,000 people.
R.61-58.12.C(4)(d)(v)(C)	Revised to make consistent with new turbidity regulations for public water systems which use surface water source or ground water source under the influence of surface water and serve at least 10,000 people.
R.61-58.12.D(4)	Revised introductory paragraph to clarify requirements. Subitems D(4)(a) and (b) remain the same.
R.61-58.12.D(5)	Added new requirement that systems include health effects language for TTHM if they exceed the proposed MCL for TTHM between now and when the proposed MCL goes into effect.
R.61-58.12	

Appendix A	1. Total Coliform Bacteria is amended to change wording for Total Coliform MCL
R.61-58.12 Appendix A	73. TTHM (Total Trihalomethanes)is amended to change MCLG for TTHM to "n/a".
R.61-58.12 Appendix B	1. Total Coliform Bacteria is amended to change wording for Total Coliform MCL.
R.61-58.12 Appendix B	68. Tetrachloroethylene is amended to remove reference to leaching from PVC pipe as a source of the contaminant.
R.61-58.12 Appendix B	73. TTHM (Total Trihalomethanes)is amended to change MCLG for TTHM to "n/a".
R.61-58.13	New section added to establish criteria for the control of disinfectant residuals, disinfection byproducts and disinfection byproduct precursors.

Instructions: Amend R.61-58 pursuant to each individual instruction provided with the text of each amendment below.

Text of Amendments:

At R.61-58.B, Definitions, replace the definition of "Ground water under the direct influence of surface water to read:

"Ground water under the direct influence of surface water" means any water beneath the surface of the ground with (1) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia, or (2) (for subpart H systems serving at least 10,000 people only) Cryptosporidium, or (3) significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence shall be determined for individual sources in accordance with criteria established by the Department. The Department's determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

At R.61-58.B, add thirteen new definitions in alpha-numeric order to read:

"Comprehensive performance evaluation" (CPE) is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with R.61-58.10(H)(5), the comprehensive performance evaluation must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in R.61-58.10(H)(3).

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

"Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"GAC10" means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

"Haloacetic acids (five)" (HAA5) mean the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

"Maximum residual disinfectant level" (MRDL) means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a PWS is in compliance with the MRDL when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a PWS is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in R.61-58.5(HH), operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused by circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections.

"Maximum residual disinfectant level goal" (MRDLG) means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

"Subpart H systems" means public water systems using surface water or ground water under the direct influence of surface water as a source that are subject to the requirements of 40 CFR 141, subpart H.

"SUVA" means Specific Ultraviolet Absorption at 254 nanometers (nm), an indicator of the humic content of a water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in mg/L).

"Total Organic Carbon" (TOC) means total organic carbon in mg/L measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility used to store water that will undergo no further treatment except residual disinfection and is open to the atmosphere.

Replace R.61-58.5.S(2) and (3) to read:

(2) The maximum contaminant level for total trihalomethane concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform) shall be one-tenth

mg/l. This level applies to community water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 people or more until December 16, 2001. This level applies to community water systems that use only ground water sources not under the direct influence of surface water which serve a population of 10,000 people or more until December 16, 2003. After December 16, 2003, this section is no longer applicable. Compliance with the maximum contaminant level for total trihalomethane concentration shall be calculated pursuant to Section T below.

(3) Beginning on December 16, 2001, community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 people must meet the requirements of R.61-58.13. Beginning December 16, 2003, all community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water must meet the requirements of R.61-58.13. Beginning on December 16, 2003, community water systems and non-community non-transient water systems that use only ground water sources not under the direct influence of surface water which add a chemical disinfectant (oxidant) must meet the requirements of R.61-58.13

Replace R.61-58.5.T(1), T(1)(a) and T(1)(b) to read:

(1) This section shall apply only to community water systems that serve a population of 10,000 or more and which add a disinfectant (oxidant) to the water in any part of the treatment process.

Add new R.61-58.5.T(14) to read:

(14) The requirements in paragraphs (1) through (13) of this section apply to community water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 or more until December 16, 2001. The requirements in paragraphs (1) through (13) of this section apply to community water systems which use only ground water not under the direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serve a population of 10,000 or more until December 16, 2003. After December 16, 2003, this section is no longer applicable.

Replace 61-58.5.CC(1) to read:

(1) All community and non-transient non-community water supply systems shall conduct special monitoring for the following contaminants. Systems serving 10,000 or fewer persons are not required to monitor for the contaminants in the section after December 31, 1998.

Chloroform	1,3-Dichloropropane
Bromodichloromethane	Chloromethane
Chlorodibromomethane	Bromomethane
Bromoform	1,2,3-Trichloropropane
Chlorobenzene	1,1,1,2-Tetrachloroethane
m-Dichlorobenzene	Chloroethane
2,2-Dichloropropane	1,1-Dichloropropene
o-Chlorotoluene	1,1-Dichloroethane
Bromobenzene	1,1,2,2-Tetrachloroethane
1,3-Dichloropropene	p-Chlorotoluene

Add new R.61-58.5.GG to read:

GG. Maximum Contaminant Levels for Disinfection Byproducts

(1) The maximum contaminant levels (MCLs) for disinfection byproducts are as follows:

Disinfection byproduct	MCL (mg/L)
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(2) Compliance Dates.

(a) Community water systems and non-transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons must comply with this section beginning December 16, 2001. Community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water serving fewer than 10,000 persons and community water systems and non-community non-transient water systems using only ground water not under the direct influence of surface water must comply with this section beginning December 16, 2003.

(b) A system that is installing GAC or membrane technology to comply with this section may apply to the Department for an extension of up to 24 months past the dates in paragraphs (2)(a) of this section, but not beyond December 16, 2003.

Add new R.61-58.5.HH to read:

HH. Maximum residual disinfectant levels (MRDLs) for disinfectants

(1) Maximum residual disinfectant levels (MRDLs) are as follows:

Disinfectant Residual	MRDL (mg/L)
Chlorine	4.0 (as Cl_2)
Chloramines	4.0 (as Cl_2)
Chlorine dioxide	0.8 (as ClO_2)

(2) Compliance dates.

(a) Community water systems and non-transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons must comply with this section beginning December 16, 2001. Community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water serving fewer than 10,000 persons and community water systems and non-community non-transient water systems using only ground water not under the direct influence of surface water must comply with this section beginning December 16, 2003.

(b) Transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning December 16, 2001. Transient non-community water systems that use a surface water source or a ground water source under the influence of surface water systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and transient non-community water systems using only ground water not under the direct influence of surface water

and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning December 16, 2003.

Replace introductory paragraph at R.61-58.6.E(1); subitems E(1)(a), E(1)(a)(i), and E(1)(a)(ii) remain the same:

(1) Maximum contaminant level (MCL), maximum residual disinfectant level (MRDL), treatment technique, and variance and exemption schedule violations. The owner or operator of a public water system which fails to comply with an applicable MCL, MRDL or treatment technique established by these regulations, or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, shall notify persons served by the system as follows:

Replace R.61-58.6.E(1)(a)(iii) to read:

(iii) For violations of MCLs of contaminants or MRDLs of disinfectants that may pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the public water system as soon as possible, but in no case later than 72 hours after the violation. Acute risk violations include violations of the nitrate or nitrite MCL, violation of the MRDL for chlorine dioxide as defined in R.61-58.5(HH) and determined according to R.61-58.13(D)(3)(b), violations of the MCL for total coliform, when fecal coliform or E. coli are present in the water distribution system, as specified in R.61-58.5(H)(2), occurrence of a waterborne disease outbreak after December 30, 1991, in an unfiltered system subject to the requirements of R.61-58.10(C)(2)(d), and any other violations specified by the Department as posing an acute risk to human health.

Replace R.61-58.6.E(3) to read:

(3) Notice to new billing units. The owner or operator of a community or non-transient non-community water system must give a copy of the most recent public notice for any outstanding violation of any maximum contaminant level, or any maximum residual disinfectant level, or any treatment technique requirement, or any variance or exemption schedule to all new billing units or new hookups prior to or at the time service begins.

Add new subitems R.61-58.6.E(5)(www) through (bbbb) to read:

(www) **Chlorine**. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorine is a health concern at certain levels of exposure. Chlorine is added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and is also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chlorine has been shown to affect blood and the liver in laboratory animals. EPA has set a drinking water standard for chlorine to protect against the risk of these adverse effects. Drinking water which meets this EPA standard is associated with little to none of this risk and should be considered safe with respect to chlorine.

(xxx) **Chloramines**. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chloramines are a health concern at certain levels of exposure. Chloramines are added to drinking water as a disinfectant to kill bacteria and other disease-causing microorganisms and are also added to provide continuous disinfection throughout the distribution system. Disinfection is required for surface water systems. However, at high doses for extended periods of time, chloramines have been shown to affect blood and the liver in laboratory animals. EPA has set a drinking water standard for chloramines to protect against the risk of these adverse effects. Drinking water which meets this EPA standard is associated with little to none of this risk and should be considered safe with respect to chloramines.

(yyy) **Chlorine Dioxide**. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorine dioxide is a health concern at certain levels of exposure. Chlorine dioxide is used in water treatment to kill bacteria and other disease-causing microorganisms and can be used to control tastes and odors. Disinfection is required for surface water systems. However, at high doses, chlorine dioxide-treated drinking water has been shown to affect blood in laboratory animals. Also, high levels of chlorine dioxide given to laboratory animals in drinking water have been shown to cause neurological effects on the developing nervous system. These neurodevelopmental effects may occur as a result of a short-term excessive chlorine dioxide exposure. To protect against such potentially harmful exposures, EPA requires chlorine dioxide monitoring at the treatment plant, where disinfection occurs, and at representative points in the distribution system serving water users. EPA has set a drinking water standard for chlorine dioxide to protect against the risk of these adverse effects.

In addition to this paragraph, systems must include either paragraph (5)(yyy)(i) or (5)(yyy)(ii) of this section. Systems with a violation at the treatment plant, but not in the distribution system, are required to use the language in paragraph (5)(yyy)(i) of this section and treat the violation as a non-acute violation. Systems with a violation in the distribution system are required to use the language in paragraph (5)(yyy)(ii) of this section and treat the violation as an acute violation.

(i) The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, and do not include violations within the distribution system serving users of this water supply. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to present consumers.

(ii) The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system serving water users. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including pregnant women, infants, and young children, may be especially susceptible to adverse effects of excessive exposure to chlorine dioxide-treated water. The purpose of this notice is to advise that such persons should consider reducing their risk of adverse effects from these chlorine dioxide violations by seeking alternate sources of water for human consumption until such exceedances are rectified. Local and State health authorities are the best sources for information concerning alternate drinking water.

(zzz) **Disinfection Byproducts and Treatment technique for DBPs**. The United States Environmental Protection Agency (EPA) sets drinking water standards and requires the disinfection of drinking water. However, when used in the treatment of drinking water, disinfectants react with naturally-occurring organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA has determined that a number of DBPs are a health concern at certain levels of exposure. Certain DBPs, including some trihalomethanes (THMs) and some haloacetic acids (HAAs), have been shown to cause cancer in laboratory animals. Other DBPs have been shown to affect the liver and the nervous system, and cause reproductive or developmental effects in laboratory animals. Exposure to certain DBPs may produce similar effects in people. EPA has set standards to limit exposure to THMs, HAAs, and other DBPs.

(aaaa) **Bromate**. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that bromate is a health concern at certain levels of exposure. Bromate is formed as a byproduct of ozone disinfection of drinking water. Ozone reacts with naturally occurring bromide in the water to form bromate. Bromate has been shown to produce cancer in rats. EPA has set a drinking water standard to limit exposure to bromate.

(bbbb) **Chlorite**. The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that chlorite is a health concern at certain levels of exposure. Chlorite is formed from the breakdown of chlorine dioxide, a drinking water disinfectant. Chlorite in drinking water has been shown to affect blood and the developing nervous system. EPA has set a drinking water standard for chlorite to protect

against these effects. Drinking water which meets this standard is associated with little to none of these risks and should be considered safe with respect to chlorite.

Replace R.61-58.7.B(4) to read:

(4) The water from each treatment process shall be sampled and analyzed as often as necessary to ensure that the treatment process is functioning properly, but in no case less than once a day. The operator shall maintain a written record of all analyses conducted. These records shall be kept for a minimum of three (3) years. Any analyses conducted for compliance with the monitoring requirements of R.61-58.5, R.61-58.10, R.61-58.11 and R.61-58.13, shall be performed by a laboratory certified by the Department and the records of these analyses kept on file in accordance with the retention schedules outlined in the regulations. All other monitoring conducted for the purpose of process control shall be performed using equipment and methodology acceptable to the Department.

Replace R.61-58.7.C(7) to read:

(7) All plants shall have an on-site laboratory with the necessary equipment and methodology acceptable to the Department for process control monitoring. If the on-site laboratory is to conduct any analyses for compliance with the monitoring requirements of R.61-58.5, R.61-58.10 , R.61-58.11 and R.61-58.13, it must be certified by the Department.

Replace R.61-58.10.A to read:

A. Applicability.

(1) This regulation establishes criteria and requirements for the filtration and disinfection of drinking water served to the public. This regulation shall apply to each community and non-community water system, unless the water system meets all of the following conditions:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(c) Does not sell water to any person; and

(d) Is not a carrier which conveys passengers in interstate commerce.

(2) The requirements of R.61-58.10(B) through R61-58.10(G) apply to all public water systems supplied by a surface water source and all public water systems supplied by a ground water source under the direct influence of surface water. In addition to these requirements, all public water systems supplied by a surface water source or a ground water source under the direct influence of surface water which serve at least 10,000 people must also comply with R.61-58.10 (H).

Replace R.61-58.10.C(2)(f) to read:

(f) The public water system shall comply with the requirements for trihalomethanes in R.61-58.5(S) and (T) until December 17, 2001. After December 17, 2001, the system must comply with the requirements of R.61-58.13.

Add new R.61-58.10.E(1)(c) to read:

(c) Beginning December 17, 2001, systems serving at least 10,000 people must meet the requirements of R.61-58.10(H)(4)(a)

Replace R.61-58.10.E(4) to read:

(4) Other filtration technologies.

A public water system may use a filtration technology not listed in paragraphs (1) - (3) of this section if it demonstrates to the Department, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of R.61-58.10(D)(2), consistently achieves 99.9 percent removal and/or inactivation of Giardia lamblia cysts and 99.99 percent removal and/or inactivation of viruses. For a system that makes this demonstration, the requirements of paragraph (2) of this section apply. Beginning December 17, 2001, systems serving at least 10,000 people must meet the requirements for other filtration technologies in R.61-58.10(H)(4)(b).

Add new R.61-58.10.H to read:

H. Enhanced Filtration and Disinfection

(1) General requirements.

(a) The requirements of this regulation constitute national primary drinking water regulations. These regulations establish requirements for filtration and disinfection that are in addition to criteria under which filtration and disinfection are required under R.61-58.10(B) through R.61-58.10(G). The requirements of this subpart are applicable to public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water serving at least 10,000 people, beginning December 17, 2001 unless otherwise specified. These regulations establish or extend treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: Giardia lamblia, viruses, heterotrophic plate count bacteria, Legionella, Cryptosporidium, and turbidity. Each public water system supplied by a surface water source or a ground water source under the direct influence of surface water system serving at least 10,000 people must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in R.61-58.10(B) through R.61-58.10(G). The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

(i) At least 99 percent (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the watershed control plan for unfiltered systems.

(ii) Compliance with the profiling and benchmark requirements under the provisions of paragraph (3) of this section.

(b) A public water system subject to the requirements of these regulations is considered to be in compliance with the requirements of paragraph (1) of this section if:

(i) It meets the requirements for avoiding filtration in R.61-58.10(C) and R.61-58.10(H)(2) and the disinfection requirements in R.61-58.10(D) and R.61-58.10(H)(3) ; or

(ii) It meets the applicable filtration requirements in either R.61-58.10(E) or R.61-58.10(H)(4) and the disinfection requirements in R.61-58.10(D) and R.61-58.10(H)(3).

(2) Criteria for avoiding filtration.

In addition to the requirements of R.61-58.10(C), a public water system subject to the requirements of this section that does not provide filtration must meet all of the conditions of paragraphs (2)(a) and (2)(b) of this section.

(a) Site-specific conditions. In addition to site-specific conditions in R.61-58.10(C)(2), systems must maintain the watershed control program under R.61-58.10(C)(2)(b) to minimize the potential for contamination by Cryptosporidium oocysts in the source water. The watershed control program must, for Cryptosporidium:

(i) Identify watershed characteristics and activities which may have an adverse effect on source water quality; and

(ii) Monitor the occurrence of activities which may have an adverse effect on source water quality.

(b) During the onsite inspection conducted under the provisions of R.61-58.10(C)(2)(c), the Department must determine whether the watershed control program established under 58.10(C)(2)(b) is adequate to limit potential contamination by Cryptosporidium oocysts. The adequacy of the program must be based on the comprehensiveness of the watershed review; the effectiveness of the system's program to monitor and control detrimental activities occurring in the watershed; and the extent to which the water system has maximized land ownership and/or controlled land use within the watershed.

(3) Disinfection profiling and benchmarking.

(a) Using data gathered from monitoring conducted by the Department during the time period of January 1, 1999 through March 1, 2000, any system having either a TTHM annual average ∃0.064 mg/L or an HAA5 annual average ∃0.048 mg/L during this period must comply with paragraph (3)(b) of this section.

(b) Disinfection profiling.

(i) Any system that meets the criteria in paragraph (3)(a) of this section must develop a disinfection profile of its disinfection practice for a period of up to three years.

(ii) The system must monitor daily for a period of 12 consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT99.9 values in Tables 1.1-1.6, 2.1, and 3.1 of R.61-58.10(F)(2), as appropriate, through the entire treatment plant. This system must begin this monitoring not later than March 16, 2000. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring in paragraphs (3)(b)(i) through (iv) of this section. A system with more than one point of disinfectant application must conduct the monitoring in paragraphs (3)(b)(i) through (iv) of this section for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using EPA approved analytical methods specified in 40 CFR 141, as follows:

(A) The temperature of the disinfected water must be measured once per day at each residual disinfectant concentration sampling point during peak hourly flow.

(B) If the system uses chlorine, the pH of the disinfected water must be measured once per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

(C) The disinfectant contact time(s) (``T'') must be determined for each day during peak hourly flow.

(D) The residual disinfectant concentration(s) (``C'') of the water before or at the first customer and prior to each additional point of disinfection must be measured each day during peak hourly flow.

(iii) In lieu of the monitoring conducted under the provisions of paragraph (b)(ii) of this section to develop the disinfection profile, the system may elect to meet the requirements of paragraph (b)(iii)(A) of this section. In addition to the monitoring conducted under the provisions of paragraph (b)(ii) of this section to develop the disinfection profile, the system may elect to meet the requirements of paragraph (b)(iii)(B) of this section.

(A) A PWS that has three years of existing operational data may submit those data, a profile generated using those data, and a request that the State approve use of those data in lieu of monitoring under the provisions of paragraph (b)(2) of this section not later than March 16, 2000. The State must determine whether these operational data are substantially equivalent to data collected under the provisions of paragraph (b)(ii) of this section. These data must also be representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. Until the State approves this request, the system is required to conduct monitoring under the provisions of paragraph (b)(ii) of this section.

(B) In addition to the disinfection profile generated under paragraph (3)(b)(ii) of this section, a PWS that has existing operational data may use those data to develop a disinfection profile for additional years. Such systems may use these additional yearly disinfection profiles to develop a benchmark under the provisions of paragraph (3)(c) of this section. The State must determine whether these operational data are substantially equivalent to data collected under the provisions of paragraph (3)(b)(ii) of this section. These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

(iv) If the system uses only one point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment based on either of the methods in paragraph (3)(b)(iv)(A) or (3)(b)(iv)(B) of this section.

(A) Determine one inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow.

(B) Determine successive $CTcalc/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine (Σ ($CTcalc/CT_{99.9}$)).

(v) If the system uses more than one point of disinfectant application before the first customer, the system must determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The (CTcalc/CT99.9) value of each segment and (Σ ($CTcalc/CT_{99.9}$)) must be calculated using the method in paragraph (3)(b)(iv) of this section.

(vi) The system must determine the total logs of inactivation by multiplying the value calculated in paragraph (b)(iv)(A) or (B) of this section by 3.0.

(vii) A system that uses either chloramines or ozone for primary disinfection must also calculate the logs of inactivation for viruses using a method approved by the Department.

(viii) The system must retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the Department for review as part of the sanitary survey.

(c) Disinfection Benchmarking

(i) Any system required to develop a disinfection profile under the provisions of paragraphs (3)(a) and (3)(b) of this section and that decides to make a significant change to its disinfection practice must consult with the Department prior to making such change. Significant changes to disinfection practice are:

(A) Changes to the point of disinfection;

(B) Changes to the disinfectant(s) used in the treatment plant;

(C) Changes to the disinfection process; and

(D) Any other modification identified by the Department.

(ii) Any system that is modifying its disinfection practice must calculate its disinfection benchmark using the following procedure:

(A) For each year of profiling data collected and calculated under paragraph (b) of this section, the system must determine the lowest average monthly Giardia lamblia inactivation in each year of profiling data. The system must determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia of inactivation by the number of values calculated for that month.

(B) The disinfection benchmark is the lowest monthly average value (for systems with one year of profiling data) or average of lowest monthly average values (for systems with more than one year of profiling data) of the monthly logs of Giardia lamblia inactivation in each year of profiling data.

(iii) A system that uses either chloramines or ozone for primary disinfection must also calculate the disinfection benchmark for viruses using a method approved by the Department.

(iv) The system must submit information in paragraphs (3)(c)(iv)(A) through (C) of this section to the Department as part of its consultation process.

(A) A description of the proposed change;

(B) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under paragraph (b) of this section and benchmark as required by paragraph (c)(2) of this section; and

(C) An analysis of how the proposed change will affect the current levels of disinfection.

(4) Filtration

A public water system subject to the requirements of this section that does not meet all of the criteria in R.61-58.10(C) and paragraph (2) of this section for avoiding filtration must provide treatment consisting of both disinfection, as specified in R.61-58.10(D), and filtration treatment which complies with the requirements of paragraph 4(a) or 4(b) of this section or R.61-58.10(E) (2) or (3) by December 17, 2001.

(a) Conventional filtration treatment or direct filtration.

(i) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least 95 percent of the measurements taken each month, measured as specified in paragraphs (1) and (3) of this section.

(ii) The turbidity level of representative samples of a system's filtered water must at no time exceed 1 NTU, measured as specified in paragraphs (1) and (3) of this section.

(iii) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the Department.

(b) Filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration.

A public water system may use a filtration technology not listed in paragraph (4)(a) of this section or in R.61-58.10(E) (2) or (3) if it demonstrates to the Department, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of R.61-58.10(D), consistently achieves 99.9 percent removal and/or inactivation of Giardia lamblia cysts and 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts, and the Department approves the use of the filtration technology. For each approval, the Department will set turbidity performance requirements that the system must meet at least 95 percent of the time and that the system may not exceed at any time at a level that consistently achieves 99.9 percent removal and/or inactivation of Giardia lamblia cysts, 99.99 percent removal and/or inactivation of viruses, and 99 percent removal of Cryptosporidium oocysts.

(5) Filtration sampling requirements

(a) Monitoring requirements for systems using filtration treatment. In addition to monitoring required by R.61-58.10(F), a public water system subject to the requirements of this subpart that provides conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter using an approved method in R.61-58.10(F) and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every 15 minutes.

(b) If there is a failure in the continuous turbidity monitoring equipment, the system must conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.

(6) Reporting and recordkeeping requirements.

In addition to the reporting and recordkeeping requirements in R.61-58.10(G), a public water system subject to the requirements of this subpart that provides conventional filtration treatment or direct filtration must report monthly to the Department the information specified in paragraphs (6)(a) and (6)(b) of this section beginning December 17, 2001. In addition to the reporting and recordkeeping requirements in R.61-58.10(G) , a public water system subject to the requirements of this subpart that provides filtration approved under section (4)(b) of this section must report monthly to the Department the information specified in paragraph (a) of this section beginning December 17, 2001. The reporting in paragraph (6)(a) of this section is in lieu of the reporting specified in R.61-58.10(G)(2)(a).

(a) Turbidity measurements as required by paragraph (4) of this section must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

(i) The total number of filtered water turbidity measurements taken during the month.

(ii) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in paragraph (4)(a) or (4)(b) of this section.

(iii) The date and value of any turbidity measurements taken during the month which exceed 1 NTU for systems using conventional filtration treatment or direct filtration, or which exceed the maximum level set by the Department under paragraph (4)(b) of this section.

(b) Systems must maintain the results of individual filter monitoring taken under paragraph (5) of this section for at least three years. Systems must report that they have conducted individual filter turbidity monitoring under paragraph (5) of this section within 10 days after the end of each month the system serves water to the public. Systems must report individual filter turbidity measurement results taken under paragraph (5) of this section within 10 days after the end of each month the system serves water to the public only if measurements demonstrate one or more of the conditions in paragraphs (6)(b)(i) through (iv) of this section. Systems that use lime softening may apply to the Department for alternative exceedance levels for the levels specified in paragraphs (6)(b)(i) through (iv) of this section if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(i) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

(ii) For any individual filter that has a measured turbidity level of greater than 0.5 NTU in two consecutive measurements taken 15 minutes apart at the end of the first four hours of continuous filter operation after the filter has been backwashed or otherwise taken offline, the system must report the filter number, the turbidity, and the date(s) on which the exceedance occurred. In addition, the system must either produce a filter profile for the filter within 7 days of the exceedance (if the system is not able to identify an obvious reason for the abnormal filter performance) and report that the profile has been produced or report the obvious reason for the exceedance.

(iii) For any individual filter that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must conduct a self-assessment of the filter within 14 days of the exceedance and report that the self-assessment was conducted. The self assessment must consist of at least the following components: assessment of filter performance; development of a filter profile; identification and prioritization of factors limiting filter performance; assessment of the applicability of corrections; and preparation of a filter self-assessment report.

(iv) For any individual filter that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system must report the filter number, the turbidity measurement, and the date(s) on which the exceedance occurred. In addition, the system must arrange for the conduct of a comprehensive performance evaluation by the Department or a third party approved by the Department no later than 30 days following the exceedance and have the evaluation completed and submitted to the Department no later than 90 days following the exceedance.

Replace R.61-58.12.C(4)(d)(v)(C) to read:

(C) When it is reported pursuant to R.61-58.10(E), Filtration and Disinfection [filtration], or R.61-58.10(H)(4): The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in R.61-58.10(E), Filtration, or R.61-58.10(H)(4): for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

Replace introductory paragraph at R.61-58.12.D(4); subitems D(4)(a) and (b) remain the same:

(4) Systems which detect lead above the action level in more than 5% and up to an including 10% of homes sampled:

Add R.61-58.12.D(5) to read:

(5) Community water systems that detect TTHM above 0.080 mg/l, but below the MCL in R.61-58.5(S), as an annual average, monitored and calculated under the provisions of R.61-58.5(T), must include health effects language prescribed by paragraph (73) of Appendix C to of this regulation.

Replace R.61-58.12 Appendix A to read:

Appendix A: Converting MCL Compliance Values for Consumer Confidence Reports

Key

AL = Action Level
MCL = Maximum Contaminante Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms liter (Φg/l)
ppt = parts per trillion, or nanograms
ppq = parts per quadrillion, or picogram per liter
TT = Treatment Technique

Contaminant	MCL in compliance units	multiply by . . .	MCL in CCR units	MCLG in CCR units
Microbiological Contaminants				
1. Total Coliform Bacteria.			(systems that collect 40 or more samples per month) 5% monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive sample	0
2. Fecal coliform and E. coli			A routine sample and a repeat sample are total coliform positive, and one is also f cal coliform or E. coli positive.	0
3. Turbidity			TT (NTU)	n/a
Radioactive Contaminants				
4. Beta/photon emitters	4 mrem/yr.		4 mrem/yr	0
5. Alpha emitters	15 pCi/l		15 pCi/l	0
6. Combined radium	5 pCi/l		5 pCi	0

Inorganic Contaminants

7. Antimony	.006	1000	6 ppb	6	
8. Arsenic	.05	1000	50 ppb	n/a	
9. Asbestos	7 MFL		7 MFL	7	
10 Barium	2		2 ppm		2
11. Beryllium	.004	1000	4 ppb	4	
12. Cadmium	.005	1000	5 ppb	5	
13. Chromium	.1	1000	100 ppb	100	
14. Copper	AL =1.3		AL=1.3 ppm	1.3	
15. Cyanide.	.2	1000	200 ppb	200	
16. Fluoride	4	`	4 ppm	4	
17. Lead	AL = .015	1000	AL= 15 ppb	0	
18. Mercury (inorganic)	.002	1000	2 ppb		2
19. Nitrate (as Nitrogen)	10		10 ppm	10	
20. Nitrite (as Nitrogen)	1		1 ppm		1
21. Selenium	.05	1000	50 ppb	50	
22. Thallium	.002	1000	2 ppb	0.5	

Synthetic Organic Contaminants including Pesticides and Herbicides

23. 2,4-D	.07	1000	70 ppb	70	
24. 2,4,5-TP [Silvex]	.0	1000	50 ppb	50	
25. Acrylamide	--	--	TT	0	
26. Alachlor	.002	1000	2 ppb	0	
27. Atrazine	.003	1000	3 ppb	3	
28. Benzo(a)pyrene [PAH]	.0002	1,000,000	200 ppt	0	
29. Carbofuran	.04	1000	40 ppb	40	
30. Chlordane	.002	1000	2 ppb	0	
31. Dalapon	.2	1000	200 ppb	200	
32. Di(2-ethylhexyl)adipate	.4	1000	400 ppb	400	
33. Di(2-ethylhexyl) phthalate	.006	1000	6 ppb	0	
34. Dibromochloropropane	.0002	1,000,000	200 ppt	0	
35. Dinoseb	.007	1000	7 ppb	7	
36. Diquat	.02	1000	20 ppb	20	
37. Dioxin [2,3,7,8-TCDD]	.00000003	1,000,000,000	30 ppq	0	
38. Endothal	.1	1000	100 ppb	100	
39. Endrin	.002	1000	2 ppb	2	
40. Epichlorohydrin	--	--	TT		0
41. Ethylene dibromide	.00005	1,000,000	50 ppt	0	
42. Glyphosate	.7	1000	700 ppb	700	
43. Heptachlor	.0004	1,000,000	400 ppt	0	
44. Heptachlor epoxide	.0002	1,000,000	200 ppt	0	
45. Hexachlorobenzene	.001	1000	1 ppb	0	
46. Hexachloro-cyclopentadiene	.05	1000	50 ppb	50	
47. Lindane	.0002	1,000,000	200 ppt		200
48. Methoxychlor	.04	1000	40 ppb	40	
49. Oxamyl [Vydate]	.2	1000	200 ppb	200	
50. PCBs [Polychlorinated biphenyls]	.0005	1,000,000	500 ppt	0	
51. Pentachlorophenol	.001	1000	1 ppb	0	
52. Picloram	.5	1000	500 ppb	500	
53. Simazine	.004	1000	4 ppb	4	

54. Toxaphene	.003	1000	3	ppb		0	
Volatile Organic Contaminants							
55. Benzene	.005	1000	5	ppb		0	
56. Carbon tetrachloride.	.005	1000	5	ppb		0	
57. Chlorobenzene	.1	1000	100	ppb	100		
58. o-Dichlorobenzene	.6	1000	600	ppb	600		
59. p-Dichlorobenzene	.075	1000	75	ppb		75	
60. 1,2-Dichloroethane	.005	1000	5	ppb		0	
61. 1,1-Dichloroethylene	.007	1000	7	ppb		7	
62. cis-1,2-Dichloroethylene	.07	1000	70	ppb			70
63. trans-1,2-Dichloroethylene	.1	1000	100	ppb		100	
64. Dichloromethane	.005	1000	5	ppb		0	
65. 1,2-Dichloropropane	.005	1000	5	ppb		0	
66. Ethylbenzene	.7	1000	700	ppb	700		
67. Styrene	.1	1000	100	ppb	100		
68. Tetrachloroethylene	.005	1000	5	ppb		0	
69. 1,2,4-Trichlorobenzene	.07	1000	70	ppb		70	
70. 1,1,1-Trichloroethane	.2	1000	200	ppb	200		
71. 1,1,2-Trichloroethane	.005	1000	5	ppb		3	
72. Trichloroethylene	.005	1000	5	ppb		0	
73. TTHMs [Total trihalomethanes]	.10	1000	100	ppb	n/a		
74. Toluene	1	--	1	ppm			1
75. Vinyl Chloride	.002	1000	2	ppb		0	
76. Xylenes	10	--	10	ppm			10

Replace R.61-58.12 Appendix B to read:

Appendix B: Regulated Contaminants

Key

AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
mrem/year = millirems per year (a measure of radiation absorbed by the body)
NTU = Nephelometric Turbidity Units
pCi/l = picocuries per liter (a measure or radioactivity)
ppm= parts per million, or milligrams per liter (mg/l)
ppb = parts per billion, or micrograms liter (Φg/l)
ppt = parts per trillion, or nanograms
ppq= parts per quadrillion, or picograms per liter
TT = Treatment Technique

Contaminant (units)	MCLG	MCL	Major sources in drinking water
Microbiological Contaminants			
1. Total Coliform Bacteria	0	(systems that collect 40 or mnore samples per month) 5% monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample	Naturally present in environment.
2. Fecal coliform and E. coli.	0	A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or E. coli positive.	Human and animal fecal waste.
3. Turbidity	n/a	TT	Soil runoff.
Radioactive Contaminants			
4. Beta/photon emitters (mrem/yr)	0	4	Decay of natural and man-made deposits.
5. Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
6. Combined radium (pCi/l	0	5	Erosion of natural deposits.
Inorganic Contaminants			
7. Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
8. Arsenic (ppb)	n/a	50	Erosion of natural deposits; Runoff from orchards;

			Runoff from glass and electronics production wastes.
9. Asbestos (MFL)	7	7	Decay of asbestos cement water mains; Erosion of natural deposits.
10. Barium (ppm)	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
11. Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning Factories; Discharge from electrical, aerospace, and defense industries.
12. Cadmium (ppb)	5	5	Corrosion of galvanized pipes. Erosion of natural deposits; Discharge from Metal refineries; runoff from waste batteries and paints.
13. Chromium (ppb)	100	100	Discharge from steel and pulp mills; Erosion of natural deposits.
14. Copper (ppm)	1.3	AL=1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives.
15. Cyanide (ppb)	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.
16. Fluoride (ppm)	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and alum factories.
17. Lead (ppb)	0	AL=15	Corrosion of household plumbing systems; Erosion of natural deposits.
18. Mercury [inorganic] (ppb)	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
19. Nitrate [as Nitrogen] (ppm)	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Eros ion of natural deposits.
20. Nitrite [as Nitrogen] (ppm)	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural

			deposits.
21. Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
22. Thallium (ppb)	0.5	2	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.

Synthetic Organic Contaminants including Pesticides and Herbicides

23. 2,4-D (ppb)	70	70	Runoff from herbicide used on row crops.
24. 2,4,5-TP [Silvex] (ppb)	50	50	Residue of banned herbicide.
25. Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
26. Alachlor (ppb)	0	2	Runoff from herbicide used on row crops.
27. Atrazine (ppb)	3	3	Runoff from herbicide used on row crops.
28. Benzo(a)pyrene [PAH] (nanograms/l)	0	200	Leaching from linings of water storage tanks and distribution lines.
29. Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
30. Chlordane (ppb)	0	2	Residue of banned termiticide.
31. Dalapon (ppb)	200	200	Runoff from herbicide used on rights of way.
32. Di(2-ethylhexyl) adipate (ppb)	400	400	Discharge from chemical factories.
33. Di(2-ethylhexyl) phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
34. Dibromochloropropane (ppt)	0	200	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
35. Dinoseb (ppb)	7	7	Runoff from herbicide used on soybeans and vegetables.
36. Diquat (ppb)	20	20	Runoff from herbicide use.
37. Dioxin [2,3,7,8-TCDD] (ppq)	0	30	Emissions from waste incineration and other combustion; Discharge from chemical factories.
38. Endothall (ppb)	100	100	Runoff from herbicide use.
39. Endrin (ppb)	2	2	Residue of banned insecticide
40 Epichlorohydrin	0	TT	Discharge from industrial chemical factories; An

			impurity of some water treatment chemicals.
41. Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
42. Glyphosate (ppb)	700	700	Runoff from herbicide use.
43. Heptachlor (ppt)	0	400	Residue of banned termiticide.
44. Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
45. Hexachlorobenzene (ppb)	1		Discharge from metal refineries and agricultural chemical factories.
46. Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
47. Lindane (ppt)	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.
48. Methoxychlor (ppb)	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
49. Oxamyl [Vydate](ppb)	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes.
50. PCBs [Polychlorinated biphenyls] (ppt)	0	500	Runoff from landfills; Discharge of waste chemicals.
51. Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
52. Picloram (ppb)	500	500	Herbicide runoff.
53. Simazine (ppb)	4	4	Herbicide runoff.
54. Toxaphene (ppb)	0	3	Runoff/leaching from insecticide used on cotton and cattle.
Volatile Organic Contaminants			
55. Benzene (ppb)	0	5	Discharge from factories; Leaching from gas storage tanks and landfills.
56. Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
57. Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
58. o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
59. p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
60. 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
61. 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.

62. cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
63. trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
64. Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
65. 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
66. Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
67. Styrene (ppb)	100	100	Discharge from rubber and plastic factories; Leaching from landfills.
68. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
69. 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
70. 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
71. 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
72. Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
73. TTHMs [Total trihalomethanes] (ppb)	n/a	100	By-product of drinking water chlorination.
74. Toluene (ppm)	1	1	Discharge from petroleum factories.
75. Vinyl Chloride (ppb)	0	2	Leaching from PVC piping; Discharge from plastics factories.
76. Xylenes (ppm)	10	10	Discharge from petroleum factories; Discharge from chemical factories.

Add new R.61-58.13 to read:

61-58.13 DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

A. Applicability

This regulation establish criteria and requirements for the control of disinfectants, disinfection byproducts and disinfection byproduct precursors for community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs) which add a chemical disinfectant to the water in any part of the drinking water treatment process. In addition, this regulation establish criteria and requirements for the control of chlorine dioxide for non-community water systems (NCWSs) that use chlorine dioxide as a disinfectant or oxidant in any part of the drinking water treatment process

B. General Requirements

(1) The requirements of this regulation constitute national primary drinking water regulations. This regulations establish criteria under which community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs) which add a chemical disinfectant to the water in any part of the drinking water treatment process must modify their practices to meet MCLs and MRDLs in R.61-58.5(GG) and R.61.58.5(HH), respectively, and must meet the treatment technique requirements for disinfection byproduct precursors in section (F) of this regulation.

In addition, this regulation establish criteria under which transient non-community water systems (NCWSs) that use chlorine dioxide as a disinfectant or oxidant must modify their practices to meet the MRDL for chlorine dioxide in R.61.58.5(HH).

(2) Compliance Dates - Unless otherwise noted, systems must comply with the requirements of this regulation as follows:

(a) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons must comply with this regulation beginning December 16, 2001. CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this regulation beginning December 16, 2003.

(b) Transient NCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this regulation beginning December 16, 2001. Transient NCWSs that use a surface water source or a ground water source under the influence of surface water which serve fewer than 10,000 persons and use chlorine dioxide as a disinfectant or oxidant and systems that use only ground water not under the direct influence of surface water and use chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this regulation beginning December 16, 2003.

(3) Each CWSs and NTNCWSs regulated under paragraph (1) of this section must be operated by a certified operator of appropriate grade.

(4) Control of Disinfectant Residuals - Notwithstanding the MRDLs in R.61.58.5(HH), systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines (but not chlorine dioxide) to a level and for a time necessary to protect public health, to address specific microbiological contamination problems caused by circumstances such as, but not limited to, distribution line breaks, storm run-off events, source water contamination events, or cross-connection events.

(5) Analytical Methods - Analyses used to determine compliance under this regulation shall be conducted using EPA-approved methods listed in 40 CFR 141.

(6) Certified Laboratory - Analyses used to determine compliance under this regulation shall be conducted by a certified laboratory.

(C) Monitoring Requirements.

(1) General Requirements

(a) Systems must take all samples during normal operating conditions.

(b) Systems may consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with Department approval in accordance with criteria developed by the Department and agreed to by the Administrator

(c) Failure to monitor in accordance with the monitoring plan required under paragraph (6) of this section is a monitoring violation.

(d) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

(e) Systems may use only data collected under the provisions of this regulation or 40 CFR 141 subpart M (Information Collection Rule) to qualify for reduced monitoring.

(2) Monitoring Requirements for Disinfection Byproducts.

(a) TTHMs and HAA5 - At least 25 percent of all samples collected each quarter shall be at locations representing maximum residence time in the distribution system. Remaining samples shall be collected from locations representative of at least average residence time in the distribution systems and representing the entire distribution system, taking into account number of persons served, different sources of water and different treatment methods. The minimum number of samples required shall be determined based on the source of supply and the populations served by a public water system.

(i) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons must collect samples as follows:

(A) Routine Monitoring - A minimum of four water samples per treatment plant per quarter in accordance with paragraph (2)(a) of this section.

(B) Reduced Monitoring - If the system has a source water annual average TOC level, before any treatment, < 4.0 mg/l and a TTHM annual average < 0.040 mg/l and HAA5 annual average < 0.030 mg/l, then the minimum number of samples required may be reduced to one sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(i)(A) of this section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion.

(ii) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve from 500 to 9,999 persons must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per quarter at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - If the system has a source water annual average TOC level, before any treatment, < 4.0 mg/l and a TTHM annual average < 0.040 mg/l and HAA5 annual average < 0.030 mg/l, then the minimum number of samples required may be reduced to one sample per treatment plant per year during a month of warmest water temperature at a distribution system location reflecting maximum residence time.

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(ii)(A) of this section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion.

(iii) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve less than 500 persons must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per year during a month of warmest water temperature at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - There is no reduced monitoring allowed for these systems

(iv) CWSs and NTNCWSs that use only ground water not under the influence of surface water which serve 10,000 or more persons and use a chemical disinfectant must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per quarter at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - If the system has a TTHM annual average < 0.040 mg/l and HAA5 annual average < 0.030 mg/l, then the minimum number of samples required may be reduced to one sample per treatment plant per year during a month of warmest water temperature at a distribution system location reflecting maximum residence time.

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(iv)(A) of this section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion

(v) CWSs and NTNCWSs that use only ground water not under the influence of surface water which serve less than 10,000 persons and use a chemical disinfectant must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per year during a month of warmest water temperature at a location representing maximum residence time in the distribution system.

(B) Increased Monitoring - If the sample taken, or average of annual samples if more than one sample is taken, exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a location representing the maximum residence time in the distribution system, until the system meets the criteria in paragraph (2)(a)(v)(C) of this section for reduced monitoring.

(C) Reduced Monitoring - If the system has a TTHM annual average < 0.040 mg/l and HAA5 annual average < 0.030 mg/l for two consecutive years, or a TTHM annual average < 0.020 mg/l and HAA5 annual average < 0.015 mg/l for one year, then the minimum number of samples required may be reduced to one sample per treatment plant per three year cycle taken during a month of warmest water temperature at a distribution system location reflecting maximum residence time, with the three year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring.

(D) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (v)(A) of this section in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(E) The system may be returned to routine monitoring at any time at the Department's discretion.

(b) Chlorite. CWSs and NTNCWSs using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

(i) Routine monitoring

(A) Routine Daily Monitoring - Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the locations required by paragraph (2)(b)(ii) of this section, in addition to the sample required at the entrance to the distribution system.

(B) Routine Monthly Monitoring - Systems must take a three-sample set each month in the distribution system. The system must take one sample at each of the following locations: near the first customer, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under paragraph (2)(b)(ii) of this section to meet the requirement for monitoring in this paragraph.

(ii) Additional Monitoring - On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(iii) Reduced Monitoring.

(A) Chlorite monitoring at the entrance to the distribution system required by paragraph (2)(b)(i)(A) of this section may not be reduced.

(B) Chlorite monitoring in the distribution system required by paragraph (2)(b)(i)(B) of this section may be reduced to one three-sample set per quarter after one year of monitoring where no individual chlorite sample taken in the distribution system under paragraph (2)(b)(i)(B) of this section has exceeded the chlorite MCL and the system has not been required to conduct monitoring under paragraph (2)(b)(ii) of this section. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under paragraph (2)(b)(i)(B) of this section exceeds the chlorite MCL or the system is required to conduct monitoring under paragraph (2)(b)(ii) of this section, at which time the system must revert to routine monitoring.

(c) Bromate.

(i) Routine Monitoring - CWSs and NTNCWSs using ozone, for disinfection or oxidation, must take one sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(ii) Reduced Monitoring - Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is ∃0.05 mg/L, the system must resume routine monitoring required by paragraph (2)(c)(i) of this section.

(3) Monitoring requirements for disinfectant residuals.

(a) Chlorine and Chloramines.

(i) Routine Monitoring - Systems must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.5(I). Systems that use a surface water source or a ground water source under the influence of surface water may use the results of residual disinfectant concentration sampling conducted under R.61-58.10(F)(2)(f) for unfiltered systems or R.61-58.10(F)(3)(c) for systems which filter, in lieu of taking separate samples.

(ii) Reduced Monitoring - Monitoring may not be reduced.

(b) Chlorine Dioxide.

(i) Routine Monitoring - CWSs, NTNCWSs, and TNCWSs that use chlorine dioxide for disinfection or oxidation must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the system must take samples in the distribution system the following day at the locations required by paragraph (3)(b)(ii) of this section, in addition to the sample required at the entrance to the distribution system.

(ii) Additional Monitoring - On each day following a routine sample monitoring result that exceeds the MRDL, the system is required to take three chlorine dioxide distribution system samples. If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system (i.e., no booster chlorination), the system must take three samples as close to the first customer as possible, at intervals of at least six hours. If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfection addition points after the entrance to the distribution system (i.e., booster chlorination), the system must take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as

close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

(iii) Reduced Monitoring - Chlorine dioxide monitoring may not be reduced.

(4) Monitoring Requirements for Disinfection Byproduct Precursors (DBPP).

(a) Routine Monitoring - Surface water systems and ground water systems under the influence of surface water which use conventional filtration treatment must monitor each treatment plant for Total Organic Carbon (TOC) no later than the point of combined filter effluent turbidity monitoring and representative of the treated water. All systems required to monitor under this paragraph must also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples (source water and treated water) are referred to as paired samples. At the same time as the source water sample is taken, systems must monitor for alkalinity in the source water prior to any treatment. Systems must take one paired sample and one source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

(b) Reduced Monitoring - Surface water systems and ground water systems under the influence of surface water with an average treated water TOC of less than 2.0 mg/L for two consecutive years, or less than 1.0 mg/L for one year, may reduce monitoring for both TOC and alkalinity to one paired sample and one source water alkalinity sample per plant per quarter. The system must revert to routine monitoring in the month following the quarter when the annual average treated water TOC ∃2.0 mg/L.

(5) Bromide - Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly measurements for one year. The system must continue bromide monitoring to remain on reduced bromate monitoring.

(6) Monitoring Plans - Each system required to monitor under this regulation must develop and implement a monitoring plan. The system must maintain the plan and make it available for inspection by the Department and the general public no later than 30 days following the applicable compliance dates in R.61-58.13(B)(2). All surface water systems and ground water systems under the influence of surface water serving more than 3300 people must submit a copy of the monitoring plan to the Department no later than the date of the first report required under R.61-58.13(E). The Department may also require the plan to be submitted by any other system. After review, the Department may require changes in any plan elements. The plan must include at least the following elements.

(a) Specific locations and schedules for collecting samples for any parameters included in this regulation.

(b) How the system will calculate compliance with MCLs, MRDLs, and treatment techniques.

(c) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, under the provisions of R.61-58.5(X), the sampling plan must reflect the entire distribution system.

D. Compliance Requirements.

(1) General Requirements.

(a) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a

monitoring violation for the entire period covered by the annual average. Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

(b) All samples taken and analyzed under the provisions of this regulation must be included in determining compliance, even if that number is greater than the minimum required.

(c) If, during the first year of monitoring under R.61-58.13(C), any individual quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

(2) Disinfection Byproducts.

(a) TTHMs and HAA5.

(i) For systems monitoring quarterly, compliance with MCLs in R.61-58.5(GG) must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by R.61-58.13(C)(2)(a). If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to R.61-58.6, in addition to reporting to the Department pursuant to R.61-58.13(E). If a PWS fails to complete four consecutive quarters' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

(ii) For systems monitoring less frequently than quarterly, compliance must be based on an average of samples taken that year under the provisions of R.61-58.13(C)(2)(a). If the average of these samples exceeds the MCL, the system must increase monitoring to once per quarter per treatment plant.

(iii) Systems on a reduced monitoring schedule whose annual average exceeds the MCL will revert to routine monitoring immediately. These systems will not be considered in violation of the MCL until they have completed one year of routine monitoring.

(b) Bromate

Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by R.61-58.13(C)(2)(c). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to R.61-58.6, in addition to reporting to the Department pursuant to R.61-58.13(E). If a PWS fails to complete 12 consecutive months' monitoring, compliance with the MCL for the last four-quarter compliance period must be based on an average of the available data.

(c) Chlorite.

Compliance must be based on an arithmetic average of each three sample set taken in the distribution system as prescribed by R.61-58.13(C)(2)(b)(i)(B) and R.61-58.13(C)(2)(b)(ii). If the arithmetic average of any three sample set exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to R.61-58.6, in addition to reporting to the Department pursuant to R.61-58.13(E).

(3) Disinfectant Residuals.

(a) Chlorine and Chloramines.

(i) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under R.61-58.13(C)(3)(a). If the average of quarterly averages covering any consecutive four-quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to R.61-58.6, in addition to reporting to the Department pursuant to R.61-58.13(E).

(ii) In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to R.61-58.13(E) must clearly indicate which residual disinfectant was analyzed for each sample.

(b) Chlorine Dioxide.

(i) Acute Violations - Compliance must be based on consecutive daily samples collected by the system under R.61-58.13(C)(3)(b). If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in R.61-58.6(E)(1)(a)(iii). Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under R.61-58.6(E)(1)(a)(iii).

(ii) Non-acute Violations - Compliance must be based on consecutive daily samples collected by the system under R.61-58.13(C)(3)(b). If any two consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and will notify the public pursuant to the procedures for Non-acute health risks in R.61-58.6(E)(1). Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for Non-acute violations under R.61-58.6(E)(1).

(4) Disinfection Byproduct Precursors - Compliance must be determined as specified by R.61-58.13(F)(2). Systems may begin monitoring to determine whether Step 1 TOC removals can be met 12 months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first 12 months after the compliance date that it is not able to meet the Step 1 requirements in R.61-58.13(F)(2)(b) and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to R.61-58.13(F)(2)(c) and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date.

E. Reporting and Recordkeeping Requirements

(1) Systems required to sample quarterly or more frequently must report to the Department within 10 days after the end of each quarter in which samples were collected, notwithstanding the provisions of R.61-58.6. Systems required to sample less frequently than quarterly must report to the Department within 10 days after the end of each monitoring period in which samples were collected.

(2) Disinfection Byproducts - Systems must report the following information:

(a) Systems monitoring for TTHM and HAA5 under the requirements of R.61-58.13(C)(2) on a quarterly or more frequent basis must report:

(i) The number of samples taken during the last quarter.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) The arithmetic average of all samples taken in the last quarter.

(iv) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four quarters.

(v) Whether the MCL was exceeded.

(b) Systems monitoring for TTHMs and HAA5 under the requirements of R.61-58.13(C)(2) less frequently than quarterly (but at least annually) must report

(i) The number of samples taken during the last year.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) The arithmetic average of all samples taken over the last year.

(iv) Whether the MCL was exceeded.

(c) Systems monitoring for TTHMs and HAA5 under the requirements of R.61-58.13(C)(2) less frequently than annually must report:

(i) The location, date, and result of the last sample taken.

(ii) Whether the MCL was exceeded.

(d) Systems monitoring for chlorite under the requirements of R.61-58.13(C)(2) must report:

(i) The number of samples taken each month for the last 3 months.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) For each month in the reporting period, the arithmetic average of all samples taken in the month.

(iv) Whether the MCL was exceeded, and in which month it was exceeded.

(e) System monitoring for bromate under the requirements of R.61-58.13(C)(2) must report:

(i) The number of samples taken during the last quarter.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

(iv) Whether the MCL was exceeded.

(3) Disinfectants - Systems must report the following information:

(a) Systems monitoring for chlorine or chloramines under the requirements of R.61-58.13(C)(3) must report:

(i) The number of samples taken during each month of the last quarter.

(ii) The monthly arithmetic average of all samples taken in each month for the last 12 months.

(iii) The arithmetic average of all monthly averages for the last 12 months.

(iv) Whether the MRDL was exceeded.

(b) Systems monitoring for chlorine dioxide under the requirements of R.61-58.13(C)(3) must report:

(i) The dates, results, and locations of samples taken during the last quarter.

(ii) Whether the MRDL was exceeded.

(iii) Whether the MRDL was exceeded in any two consecutive daily samples and whether the resulting violation was acute or Non-acute.

(4) Disinfection byproduct precursors and enhanced coagulation or enhanced softening - Systems must report the following information:

(a) System monitoring monthly or quarterly for TOC under the requirements of R.61-58.13(C)(4) and required to meet the enhanced coagulation or enhanced softening requirements in R.61-58.13(F)(2)(b) or (c) must report:

(i) The number of paired (source water and treated water, prior to continuous disinfection) samples taken during the last quarter.

(ii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.

(iii) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.

(iv) Calculations for determining compliance with the TOC percent removal requirements, as provided in R.61-58.13(F)(3)(a).

(v) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in R.61-58.13(F)(2) for the last four quarters.

(b) System monitoring monthly or quarterly for TOC under the requirements of R.61-58.13(C)(4) and meeting one or more of the alternative compliance criteria in R.61-58.13(F)(1)(a) or (b) must report:

(i) The alternative compliance criterion that the system is using.

(ii) The number of paired samples taken during the last quarter.

(iii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter.

(iv) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in R.61-58.13(F)(1)(a)(i) or (iii) or of treated water TOC for systems meeting the criterion in R.61-58.13(F)(1)(a)(ii).

(v) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in 58.13(F)(1)(a)(v) or of treated water SUVA for systems meeting the criterion in 58.13(F)(1)(a)(vi).

(vi) The running annual average of source water alkalinity for systems meeting the criterion in 58.13(F)(1)(a)(iii) and of treated water alkalinity for systems meeting the criterion in 58.13(F)(1)(b)(i).

(vii) The running annual average for both TTHM and HAA5 for systems meeting the criterion in 58.13(F)(1)(a)(iii) or (iv).

(viii) The running annual average of the amount of magnesium hardness removal (as $CaCO_3$, in mg/L) for systems meeting the criterion in 58.13(F)(1)(b)(ii).

(ix) Whether the system is in compliance with the particular alternative compliance criterion in R.61-58.13(F)(1)(a) or (b).

(5) The Department may choose to perform calculations and determine whether the treatment technique was met, in lieu of having the system report that information.

F. Treatment technique for control of disinfection byproduct (DBP) precursors.

(1) Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in paragraph (2) of this section unless the system meets at least one of the alternative compliance criteria listed in paragraph (1)(a) or (1)(b) of this section.

(a) Alternative Compliance Criteria for Enhanced Coagulation and Enhanced Softening Systems - Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment may use the alternative compliance criteria in paragraphs (1)(a)(i) through (vi) of this section to comply with this section in lieu of complying with paragraph (2) of this section. Systems must still comply with monitoring requirements in R.61-58.13(C)(4).

(i) The system's source water TOC level, measured according to EPA approved methods specified in 40 CFR §141.131(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

(ii) The system's treated water TOC level, measured according to EPA approved methods specified in 40 CFR §141.131(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

(iii) The system's source water TOC level, measured as required by EPA approved methods specified in 40 CFR §141.131(d)(3), is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to EPA approved methods specified in 40 CFR §141.131(d)(1), is greater than 60 mg/L (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in R.61-58.13(B)(2), the system has made a clear and irrevocable financial commitment not later than the effective date for compliance in R.61-58.13(B)(2) to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Department for approval not later than the effective date for compliance in R.61-58.13(B)(2). These technologies must be installed and

operating not later than June 16, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of National Primary Drinking Water Regulations.

(iv) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(v) The system's source water SUVA, prior to any treatment and measured monthly according to EPA approved methods specified in 40 CFR §141.131(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(vi) The system's finished water SUVA, measured monthly according to EPA approved methods specified in 40 CFR §141.131(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(b) Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the TOC removals required by paragraph (2)(b) of this section may use the alternative compliance criteria in paragraphs (1)(b)(i) and (ii) of this section in lieu of complying with paragraph (2) of this section. Systems must still comply with monitoring requirements in R.61-58.13(C)(4).

(i) Softening that results in lowering the treated water alkalinity to less than 60 mg/L (as $CaCO_3$), measured monthly according to EPA approved methods specified in 40 CFR §141.131(d)(1) and calculated quarterly as a running annual average.

(ii) Softening that results in removing at least 10 mg/L of magnesium hardness (as $CaCO_3$), measured monthly and calculated quarterly as an annual running average.

(2) Enhanced coagulation and enhanced softening performance requirements.

(a) Systems must achieve the percent reduction of TOC specified in paragraph (2)(b) of this section between the source water and the combined filter effluent, unless the Department approves a system's request for alternate minimum TOC removal (Step 2) requirements under paragraph (2)(c) of this section.

(b) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with EPA approved methods specified in 40 CFR §141.131(d). Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity >120 mg/L) for the specified source water TOC:

Step 1 required removal of TOC by enhanced coagulation and enhanced softening for surface water systems or ground water systems under the influence of surface water using conventional treatment[a,b]

Source-Water TOC, mg/L	Source-Water Alkalinity, mg/L as $CaCO_3$		
	0-60	>60-120	>120[c]
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[a]Systems meeting at least one of the conditions in paragraphs (1)(a)(i)-(vi) of this section are not required to operate with enhanced coagulation.
[b] Softening systems meeting one of the alternative compliance criteria in paragraph (1)(b) of this section are not required to operate with enhanced softening.
[c]Systems practicing softening must meet the TOC removal requirements in this column.

(c) Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment that cannot achieve the Step 1 TOC removals required by paragraph (2)(b) of this section due to water quality parameters or operational constraints must apply to the Department, within three months of failure to achieve the TOC removals required by paragraph (2)(b) of this section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the Department approves the alternative minimum TOC removal (Step 2) requirements, the Department may make those requirements retroactive for the purposes of determining compliance. Until the Department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals contained in paragraph (2)(b) of this section.

(d) Alternate minimum TOC removal (Step 2) requirements. Applications made to the Department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under paragraph (1)(b) of this section must include, as a minimum, results of bench- or pilot-scale testing conducted under paragraph (2)(d)(i) of this section and used to determine the alternate enhanced coagulation level.

(i) Alternate enhanced coagulation level is defined as:

Coagulation at a coagulant dose and pH as determined by the method described in paragraphs (2)(d)(i) through (v) of this section such that an incremental addition of 10 mg/L of alum (as aluminum) (or equivalent amount of ferric salt) results in a TOC removal of # 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the Department, this minimum requirement supersedes the minimum TOC removal required by the table in paragraph (2)(b) of this section. This requirement will be effective until such time as the Department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve Department-set alternative minimum TOC removal levels is a violation of National Primary Drinking Water Regulations.

(ii) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (as aluminum) (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

ENHANCED COAGULATION STEP 2 TARGET pH

ALKALINITY (mg/L as $CaCO_3$)	TARGET pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

(iii) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (as aluminum) (or equivalent addition of iron coagulant) is reached.

(iv) The system may operate at any coagulant dose or pH necessary (consistent with other NPDWRs) to achieve the minimum TOC percent removal approved under paragraph (2)(c) of this section.

(v) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose (as aluminum) at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the Department for a waiver of enhanced coagulation requirements.

(3) Compliance Calculations.

(a) Systems using surface water or a ground water under the influence of surface water other than those identified in paragraph (1)(a) or (1)(c) of this section must comply with requirements contained in paragraph (2)(b) of this section. Systems must calculate compliance quarterly, beginning after the system has collected 12 months of data, by determining an annual average using the following method:

(i) Determine actual monthly TOC percent removal, equal to:

(1- (treated water TOC/source water TOC)) x 100.

(ii) Determine the required monthly TOC percent removal (from either the table in paragraph (2)(b) or from paragraph (2)(c) of this section).

(iii) Divide the value in paragraph (3)(a)(i) of this section by the value in paragraph (3)(a)(ii) of this section.

(iv) Add together the results of paragraph (3)(a)(iii) of this section for the last 12 months and divide by 12.

(v) If the value calculated in paragraph (3)(a)(iv) of this section is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

(b) Systems may use the provisions in paragraphs (3)(b)(i) through (v) of this section in lieu of the calculations in paragraph (3)(a)(i) through (v) of this section to determine compliance with TOC percent removal requirements.

(i) In any month that the system's treated or source water TOC level, measured according to EPA approved methods specified in 40 CFR 141.131(d)(3), is less than 2.0 mg/L, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (3)(a)(iii) of this section) when calculating compliance under the provisions of paragraph (3)(a) of this section.

(ii) In any month that a system practicing softening removes at least 10 mg/L of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (3)(a)(iii) of this section) when calculating compliance under the provisions of paragraph (3)(a) of this section.

(iii) In any month that the system's source water SUVA, prior to any treatment and measured according to EPA approved methods specified in 40 CFR §141.131(d)(4), is #2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (3)(a)(iii) of this section) when calculating compliance under the provisions of paragraph (3)(a) of this section.

(iv) In any month that the system's finished water SUVA, measured according to EPA approved methods specified in 40 CFR §141.131(d)(4), is #2.0 L/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (3)(a)(iii) of this section) when calculating compliance under the provisions of paragraph (3)(a) of this section.

(v) In any month that a system practicing enhanced softening lowers alkalinity below 60 mg/L (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in paragraph (3)(a)(iii) of this section) when calculating compliance under the provisions of paragraph (3)(a) of this section.

(c) Systems using surface water or a ground water under the influence of surface water which utilize conventional treatment may also comply with the requirements of this section by meeting the criteria in paragraph (1)(a) or (1)(b) of this section.

(d) Treatment Technique Requirements for DBP Precursors. The Administrator identifies the following as
treatment techniques to control the level of disinfection byproduct precursors in drinking water treatment and distribution systems: For Systems using surface water or a ground water under the influence of surface water which utilize conventional treatment, enhanced coagulation or enhanced softening.

Statement of Need and Reasonableness

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

DESCRIPTION OF REGULATION: Amendment to Regulation 61-58, State Primary Drinking Water Regulations

Purpose: The Department is proposing this amendment to revise R.61-58 in order to adopt federal regulations commonly referred to as the Stage 1 Disinfection Byproducts Rule and the Interim Enhanced Surface Water Treatment Rule as well as make minor changes concerning Consumer Confidence Reports and Unregulated Contaminant Monitoring. This amendment will comply with Federal law and ensure consistency with the Safe Drinking Water Act and the National Primary Drinking Water Regulations and to enable the Department to retain primary enforcement responsibility for the public drinking water supervision program. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. Proposed regulations will comply with 40 CFR Parts 141 and 142. The final Stage 1 Disinfection Byproducts Rule and the Interim Enhanced Surface Water Treatment Rule were published in the December 16, 1998 Federal Register.

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 et. seq., State Safe Drinking Water Act.

Plan for Implementation: The proposed amendments would be incorporated within R.61-58 upon publication in the State Register as a final regulation. The proposed amendment will be implemented in the same manner in which the existing regulation is implemented.

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

The adoption of these regulations will allow the Department to continue being the primacy agency for the implementation of the Safe Drinking Water Act and the National Primary Drinking Water Regulations in the state. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The proposed regulations will comply with 40 CFR Parts 141 and 142.

DETERMINATION OF COSTS AND BENEFITS: The "Interim Enhanced Surface Water Treatment Rule" (IESWTR) will result in increased costs to public water systems for improved turbidity treatment, monitoring, and disinfection benchmarking. The rule will only apply to surface water systems which serve at least 10,000 people. EPA has estimated that the total national annualized costs for implementing the IESWTR is $307 million. This estimate includes annualized costs to utilities ($192 million), start-up and annualized monitoring costs to utilities ($99 million), and start-up and annual monitoring costs to states ($16 million). According to national EPA estimates, 92 percent of affected households will incur less than a cost of $1 per month; 7 percent will incur an increase in cost between $ 1 and $ 5 per month; and other households may face additional costs of up to $ 8 per month. EPA has estimated the national benefit resulting from this rule range from $263 million to $1.24 billion.

The Stage 1 "Disinfection By-products Rule" (DBPR) will result in increased costs to public water systems for improved treatment to reduce public exposure to potentially harmful disinfection by-products and additional monitoring. This rule will apply to all public water systems which add a chemical disinfectant. EPA has estimated that the total national annualized cost for implementing the Stage 1 DBPR is $702 million. This estimate includes annualized treatment costs to utilities ($593 million), start-up and annualized monitoring costs to utilities ($91.7 million) and start-up and annualized monitoring costs to States ($17.3 million). According to national EPA estimates, 95 percent of affected households will incur less than a cost of $1 per month; 4 percent will incur an increase in cost between $1 and $10 per month; and other households may face additional costs of up to $33.40 per month. EPA has estimated the national benefit resulting from this rule range from zero to $4 billion.

Costs incurred by public water systems or the state due to minor changes in unregulated contaminant monitoring and Consumer Confidence Reports will be minimal.

UNCERTAINTIES OF ESTIMATES: considerable

EFFECT ON ENVIRONMENT AND HEALTH: There will be no effect on the environment. The amendments will promote public health through improved drinking water quality.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment if the amendments are not implemented. However, there could be a substantial adverse impact on public health if the amendments are not implemented. Failure of the Department to adopt these Federal regulations will likely result in the Department loosing primacy to enforce the Safe Drinking Water Act and the National Primary Drinking Water Regulations.