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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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

# ***THE SOUTH CAROLINA STATE REGISTER***

An official state publication, *The South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action, must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

## **STYLE AND FORMAT OF THE SOUTH CAROLINA STATE REGISTER**

Documents are arranged within each issue of the *State Register* according to the type of document filed:

**Notices** are documents considered by the agency to have general public interest.

**Notices of Drafting Regulations** give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

**Proposed Regulations** are those regulations pending permanent adoption by an agency.

**Pending Regulations Submitted to General Assembly** are regulations adopted by the agency pending approval by the General Assembly.

**Final Regulations** have been permanently adopted by the agency and approved by the General Assembly.

**Emergency Regulations** have been adopted on an emergency basis by the agency.

**Executive Orders** are actions issued and taken by the Governor.

## **2001 PUBLICATION SCHEDULE**

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

## **CERTIFICATE**

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

Lynn P. Bartlett  
Editor

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

## EFFECTIVE DATE OF REGULATIONS

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

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

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

## SUBSCRIPTIONS

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 South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net)

DOC No.	RAT No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
2609*	R160		State Human Resources		Budget and Control Board
2567			Req for Additional Area of Certification	1 14 02	Board of Education
2581			Continuing Insurance Education	1 15 02	Department of Insurance
2600			Need-based Grants Program	1 22 02	Commission on Higher Education
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2623			Standards for Permitting Body Piercing	5 07 02	Department of Health and Envir Control
2593			Nitrogen Oxides	5 07 02	Department of Health and Envir Control
2625			Student Loan Corp	5 07 02	Commission on Higher Education
2631			Staff Leasing Services	5 07 02	Department of Consumer Affairs

\* Approval pending Governor's signature on Joint Resolution

**REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)**

DOC No.	DATE	SUBJECT	AGENCY
2573	4 24 01	Food Stamp Program	Department of Social Services
2564	5 31 01	Accreditation Criteria	Board of Education

**RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)**

DOC No.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Commission on Higher Education

**WITHDRAWN:**

DOC No.	DATE	SUBJECT	AGENCY
2603	7 09 01	End-of-Course Tests	Board of Education



## 2 EXECUTIVE ORDERS

### No. 2001-33

**WHEREAS**, the Workforce Education Task Force (“Task Force”) delivered in its *Pathways to Prosperity* Report with recommendations after more than one year of careful study, thorough analysis and extensive interviews with business leaders, education professionals and education policy leaders; and

**WHEREAS**, workforce education is a fundamental requirement for strong economic development and supports basic quality of life issues for all of South Carolina’s citizens; and

**WHEREAS**, the Task Force concluded that basic reforms to our system of education must occur in order to prepare all South Carolina students for success in the workplace, to meet the workforce-skill needs of South Carolina’s employers, and to be prepared for the challenges of the 21<sup>st</sup> century; and

**WHEREAS**, implementing the Task Force’s nine recommendations require creating a Governor’s Workforce Education Council to coordinate workforce education development, and provide oversight for compliance with the South Carolina School-to-Work Transition Act of 1994.

**NOW, THEREFORE**, I do hereby establish the Governor’s Workforce Education Interim Planning Committee (“Committee”) that shall have the following responsibilities for implementing the following recommendations:

1. The Committee will act as a “bridge” between the existing South Carolina School-to-Work Advisory Council and the proposed Governor’s Workforce Education Council (“Council”), and will discharge the following responsibilities until the Council becomes operational.
2. The Committee will review each of the Workforce Education Task Force recommendations and advise the Governor and the General Assembly on the priorities, sequence, policy issues, and specific plans for implementation.
3. The Committee will provide guidance and leadership to any staff retained to assist with implementing these recommendations until the Council becomes fully operational.
4. The Committee will develop an analysis of the cost and potential source of funding each recommendation.
5. The Committee will develop communication plans and programs to increase awareness of issues and needs of an education system that prepares all students to succeed in a global, technology-orientated economy.
6. The Committee will work in harmony with the existing South Carolina School-to-Work Advisory Council during this transition period.
7. The Committee will relinquish all duties and responsibilities upon the establishment of the Governor’s Workforce Education Council.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 19th DAY  
OF OCTOBER, 2001.**

**JIM HODGES  
Governor**

**No. 2001-34**

**WHEREAS**, the safety and health of every South Carolinian is of paramount importance; and

**WHEREAS**, in the wake of the September 11, 2001, terrorist attacks upon our nation, it is clear that South Carolina must be vigilant and focused in addressing the threat that terrorism poses to the safety and health of our citizens and visitors; and

**WHEREAS**, as the state's chief executive and commander-in-chief, it is the Governor's responsibility to protect the citizens of South Carolina from threats and acts of terrorism and to promote initiatives to increase our state's security; and

**WHEREAS**, it is necessary to take appropriate measures to detect, prevent, prepare for, protect against, and respond to violence or threats of violence to the person or property of citizens of the State of South Carolina from terrorist activities and to maintain peace, tranquility and good order in the State; and

**WHEREAS**, prior to and subsequent to September 11, 2001, the Governor has worked aggressively with state health, law enforcement, military, public safety, emergency response and management agencies and officials on extensive anti-terrorism plans and tactics, but it is necessary to objectively examine and reassess the state's security and anti-terrorism resources and level of readiness, to identify and address any weaknesses in current operational measures, and to coordinate and develop an improved comprehensive state homeland security strategy; and

**WHEREAS**, it is critical that the Governor be continuously apprised of homeland security related issues, consult regularly in a coordinated fashion with public safety and health officials and other private entities, and be provided the most accurate and reliable information and advice available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures; and

**WHEREAS**, the State of South Carolina must coordinate and communicate with the United States Office of Homeland Security established by the President, to assist in the development, coordination, and implementation of a comprehensive national strategy to secure the United States from terrorist threats and attacks.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby create the position of Special Advisor to the Governor for Homeland Security and appoint Major General Steve Siegfried to that post. The Special Advisor will provide direct counsel and advice to the Governor in all matters related to the detection, preparedness, prevention, protection, and response to terrorist threats and attacks, and serve as the Governor's personal representative and liaison with the United States Office of Homeland Security and the various governmental and private entities in South Carolina involved with

#### **4 EXECUTIVE ORDERS**

homeland security issues, and facilitate the collection from those entities of information pertaining to potential terrorist activities.

Furthermore, I hereby establish the Governor's Security Council, to be comprised of the following persons:

Special Advisor to the Governor for Homeland Security (Chairman)  
Adjutant General  
Chief of the State Law Enforcement Division  
Director of the Department of Public Safety  
Executive Director of the Department of Health and Environmental Control  
Director of the South Carolina Emergency Preparedness Division  
State Fire Marshal  
Director of the State Division of Aeronautics  
Executive Director of the Department of Transportation  
Speaker of the House of Representatives  
President Pro Tem of the Senate  
Special Agent in Charge for South Carolina of the Federal  
Bureau of Investigation

At the direction of and on behalf of the Governor, the Special Advisor to the Governor for Homeland Security shall serve as chairman and convene the council to receive or provide relevant information and to facilitate a coordinated approach to homeland security issues.

I further direct the Special Advisor to the Governor for Homeland Security, working in conjunction with the United States Office of Homeland Security, members of the Governor's Security Council, and other relevant public and private entities, to examine and assess the state's security and anti-terrorism resources and level of readiness, to identify and address any weaknesses in current operational measures, and to coordinate and develop an improved comprehensive state anti-terrorism strategy. The Special Advisor is directed to complete an initial assessment and provide a written report to the Governor and the United States Office of Homeland Security of his findings, recommendations, and actions as soon as practicable, and to continue to keep the Governor and the United States Office of Homeland Security apprised of pertinent information regarding state and national homeland security issues.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 17th DAY  
OF OCTOBER, 2001.**

**JIM HODGES  
Governor**

**No. 2001-35**

**WHEREAS**, the September 11, 2001, terrorist attacks on the United States clearly demonstrate the fragility of the international oil distribution system, and political instability will be a hallmark of the Middle East for years to come; and

**WHEREAS**, the National Energy Policy Act of 1992 ("EPAct") identified a need for increased availability of indigenously produced alternative fuels as part of an overall effort to reduce dependence on foreign oil and improve air quality; and

**WHEREAS**, EPAAct mandates that alternative fuel vehicles must constitute 75% of annual state fleet purchases; and

**WHEREAS**, EPAAct identifies, among others, ethanol and biodiesel fuels as alternative fuels, and United States Department of Agriculture research revealed that South Carolina can produce both; and

**WHEREAS**, ethanol and biodiesel fuels can become a viable industry to diversify crop production and offer financially lucrative alternatives for South Carolina farmers; and

**WHEREAS**, South Carolina's Clean Cities Coalitions surveyed government agencies and private companies in their regions, and identified over one thousand alternative fuel vehicles but only one publicly available refueling station.

**NOW THEREFORE**, I do hereby:

1. Strongly support the efforts of South Carolina's Clean Cities Coalitions and private business to increase the use of alternative fuels in South Carolina.
2. Whenever practical and economically feasible, require all State agencies operating alternative fuel vehicles to use alternative fuels.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 18th DAY OF OCTOBER, 2001.**

**JIM HODGES**  
**Governor**

**No. 2001-36**

**WHEREAS**, on October 17, 2001, to facilitate a coordinated approach to homeland security issues facing South Carolina the Governor's Security Council was established by Executive Order 2001-34; and

**WHEREAS**, to maintain peace, tranquility and good order in the State, the Governor's Security Council should include representatives of each of the State's leading law enforcement agencies; and

**WHEREAS**, the Department of Natural Resources and the Department of Parole, Probation, and Pardon Services are integral components of the State law enforcement team traditionally called upon to work with other public safety agencies in emergency management and response situations.

**NOW, THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, the membership of the Governor's Security Council created by Executive Order 2001-34 is hereby increased to include the Executive Director of the Department of Natural Resources and the Director of the Department of Parole, Probation, and Pardon Services, so that the council is now comprised of the following persons:

Special Advisor to the Governor for Homeland Security (Chairman)  
Adjutant General  
Chief of the State Law Enforcement Division  
Director of the Department of Public Safety

## 6 EXECUTIVE ORDERS

Executive Director of the Department of Health and Environmental Control  
Director of the South Carolina Emergency Preparedness Division  
State Fire Marshal  
Director of the State Division of Aeronautics  
Executive Director of the Department of Transportation  
Speaker of the House of Representatives  
President Pro Tem of the Senate  
Special Agent in Charge for South Carolina of the Federal  
Bureau of Investigation  
Executive Director of the Department of Natural Resources  
Director of the Department of Parole, Probation, and Pardon Services

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 23rd DAY  
OF OCTOBER, 2001.**

**JIM HODGES  
Governor**

### **No. 2001-37**

**WHEREAS**, state law has traditionally provided the Governor with the authority to declare Christmas Eve of each year a legal holiday for State Government employees; and

**WHEREAS**, reflecting on this year's events, I encourage all State employees to celebrate the holiday season with a renewed sense of resolve in the power of the American spirit and to be very thankful for the safety today of our families.

**NOW, THEREFORE**, pursuant to Section 53-5-20 of the South Carolina Code of Laws, I hereby declare Monday, December 24, 2001, as a legal holiday for State government employees in South Carolina.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 1st DAY  
OF NOVEMBER 2001.**

**JIM HODGES  
Governor**

### **No. 2001-38**

**WHEREAS**, wildfires currently burning in Horry County have consumed over 1,500 acres of land and continue to spread and burn uncontrolled; and

**WHEREAS**, wildfire losses and commensurate threats to life and property in Horry County have reached emergency proportions; and

**WHEREAS**, the County of Horry has recorded no appreciable precipitation in the nine weeks since September 3, 2001; and

**WHEREAS**, the National Weather Service predicts that the dry conditions will probably continue for at least another five days; and

**WHEREAS**, by reasons of drought, low humidity, high winds, and other conditions, the forests, woodlands, farms, homes, businesses, and associated properties in Horry County are in serious danger of fires; and

**WHEREAS**, forest fires constitute a clear and present danger to public safety and welfare and to the property of citizens of this State.

**NOW, THEREFORE**, by virtue of the authority vested in me under the Constitution and the Code of Laws of South Carolina, 1976, as amended, I hereby declare that a state of emergency exists in Horry County, South Carolina. I also hereby direct that certain assets of the South Carolina National Guard, at the discretion of the Adjutant General and in coordination with SCEPD, be placed on state duty and order the utilization of the National Guard's fire suppression personnel to take all necessary action to provide Horry County with the delivery of critical equipment and services.

The provisions of this Executive Order shall remain in full force and effect until further order of this office.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF  
SOUTH CAROLINA, THIS 8th DAY  
OF NOVEMBER, 2001.**

**JIM HODGES  
Governor**

## 8 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

Public Notice #01-504-GP-N

November 23, 2001

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-04) AConcrete Batch Plants.≡ This general permit was previously opened for a thirty (30) day public comment period on March 28, 2001, with final issuance on November 1, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a) and (b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility=s coverage shall be a final permit action for purposes of administrative review.

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

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

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

#### **Anderson County**

Metromont Materials Corporation (Belton)  
3417 Bellhaven Road Extension  
Belton, South Carolina

Thomas Concrete of South Carolina, Inc.  
124 Moats & Fowler Road  
Anderson, South Carolina

#### **Charleston County**

APAC Georgia, Inc. (Mt. Pleasant)  
Wando Terminal  
Mt. Pleasant, South Carolina

**Florence County**

APAC Carolina, Inc. (Florence Plant #600)  
1550 East Campground Road  
Florence, South Carolina

APAC Carolina, Inc. (Timmons ville Plant #602)  
963 Warren Street  
Timmons ville, South Carolina

Evans Ready Mix, Inc.  
2175 West Sumter Street  
Florence, South Carolina

**Greenville County**

Zupan & Smith Sand and Concrete (Simpsonville)  
Old Stage Road  
Simpsonville, South Carolina

**Greenwood County**

Metromont Materials Corporation (Greenwood)  
711 Milford Springs Road  
Greenwood, South Carolina

**Horry County**

Unicon Concrete, Inc.  
2551 Big Block Road  
Surfside Beach, South Carolina

**Lancaster County**

J&S, Inc. (Plant #2)  
5554 Charlotte Highway  
Lancaster, South Carolina

Macleod Construction, Inc.  
9160 Northfield Drive  
Fort Mill, South Carolina

**Laurens County**

APAC Georgia, Inc.  
Interstate I-26 at Junction 60  
Laurens, South Carolina



## **10 NOTICES**

### **Oconee County**

Morgan Concrete Company  
159 Richland Road  
Westminster, South Carolina

### **Richland County**

Coastal Concrete, Inc. (Columbia)  
1701 Peoples Street  
Columbia, South Carolina

Hardaway Concrete Company (Columbia Plant #1)  
2001 Taylor Street  
Columbia, South Carolina

### **Spartanburg County**

Metromont Materials Corporation (Spartanburg)  
475 Simuel Road  
Spartanburg, South Carolina

The Scruggs Company  
GSP Drive at Greenville-Spartanburg International Airport  
Spartanburg, South Carolina

### **Sumter County**

Glasscock Company, Inc. (Plant #3)  
Highway 76/378 West  
Shaw Air Force Base, South Carolina

### **York County**

Metromont Materials Corporation (Rock Hill)  
Richland Street  
Rock Hill, South Carolina

Thomas Concrete of South Carolina, Inc.  
350 Flint Hill Road  
Fort Mill, South Carolina

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication November 23, 2001, 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) 545-4200.

## Affecting Greenwood County

Replacement of existing back-up linear accelerator with a Varian Clinac 6EX linear accelerator for full-time use resulting in two (2) full-time linear accelerators.

Self Memorial Hospital  
Greenwood, South Carolina  
Project Cost: \$1,203,134

## Affecting Horry County

Renovation and expansion of several areas of the first floor to include the addition of a second CT scanner, a new film room, and additional patient holding bays.

Grand Strand Regional Medical Center  
Myrtle Beach, South Carolina  
Project Cost: \$3,967,391

## Affecting Lancaster County

Construction of an outpatient imaging center to include MRI, CT, and other diagnostic modalities for the relocation of Springs Memorial Hospital's current outpatient imaging services.

Lancaster Imaging Center, LLC.  
Lancaster, South Carolina  
Project Cost: \$2,917,347

## Affecting Pickens County

Expansion and renovation of the emergency department with no change in the existing licensed bed capacity of the hospital.

Cannon Memorial Hospital  
Pickens, South Carolina  
Project Cost: \$1,065,048

## Affecting Richland County

Addition of six (6) Neonatal Intensive Care Unit (NICU) bassinets for a total of twenty-seven (27) NICU bassinets.

Palmetto Richland Memorial Hospital  
Columbia, South Carolina  
Project Cost: \$225,060

## Affecting Spartanburg County

Purchase of a Positron Emission Tomography (PET) Scanner and renovation to accommodate the equipment.

Mary Black Memorial Hospital  
Spartanburg, South Carolina  
Project Cost: \$2,935,200

## 12 NOTICES

### Affecting Sumter County

Construction of an ambulatory surgery center with two (2) operating rooms.  
Sumter Urological Surgery Center  
Sumter, South Carolina  
Project Cost: \$5,268,753

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 November 23, 2001. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

### Affecting Anderson County

Construct a 40 bed comprehensive rehabilitation hospital with twelve (12) nursing home beds that do not participate in the Medicaid (Title XIX) Program and twenty-eight (28) Comprehensive rehabilitation beds.  
AnMed HEALTHSOUTH Rehabilitation Hospital  
Anderson, South Carolina  
Project Cost: \$9,579,482

### Affecting Charleston county

Renovation of the first floor of the Clinical Sciences building for fire and life safety upgrades for the relocation of the Dialysis Unit.  
Medical University of South Carolina  
Charleston, South Carolina  
Project Cost: \$2,023,477

### Affecting Cherokee County

Expansion and relocation of Emergency Department, Outpatient Services, and the addition of one (1) operating room.  
Upstate Carolina Medical Center  
Gaffney, South Carolina  
Project Cost: \$5,801,078

### Affecting Georgetown County

Renovation for the addition of forty-three (43) general acute care beds for a total of 145 general acute care beds.  
Georgetown Memorial Hospital  
Georgetown, South Carolina  
Project Cost: \$3,882,594

### Affecting Greenwood County

Acquisition of the da Vinci Surgical System for Robotics-assisted surgery.  
Self Memorial Hospital  
Greenwood, South Carolina  
Project Cost: \$1,068,200

Affecting Horry County County

Renovation and expansion of several areas of the first floor to include the addition of a second CT scanner, a new film room, and additional patient holding bays.

Grand Strand Regional Medical Center

Myrtle Beach, South Carolina

Project Cost: \$3,967,391

Affecting Spartanburg County

Establish an outpatient narcotic treatment program.

Right Choice Treatment Center, LLC

Duncan, South Carolina

Project Cost: \$170,295

Establish an outpatient narcotic treatment program.

Spartanburg Treatment Associates, Inc.

Spartanburg, South Carolina

Project Cost: \$221,059

### **PUBLIC NOTICE**

The Bureau of Health Facilities and Services Development, S.C. Department of Health and Environmental Control will conduct a public hearing regarding two Certificate of Need applications for outpatient narcotic treatment programs in Spartanburg County. One application was submitted by Right Choice Treatment Center, Inc. in Duncan, SC and the other by Spartanburg Treatment Associates, LLC in Spartanburg, SC.

The public hearing will be held on Monday, December 3, 2001, at 11:00 a.m. in conference room 6 on the first floor of the Spartanburg County Administration Building, 366 North Church Street, Spartanburg, South Carolina.

The public is invited to attend, and an opportunity shall be provided for any person to present information. No decision will be made at the hearing, but the Department shall make a decision within 60 days from the date of the public hearing.

Comments on these proposals are hereby solicited and may be presented at the public hearing or in writing until 5:00 p.m. on December 3, 2001, to Mr. Joel Grice, Director, Bureau of Health Facilities and Services Development, S.C. Department of Health and Environmental Control, 2600 Bull St., Columbia, SC 29201. FAX: 803-545-4579.

### **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

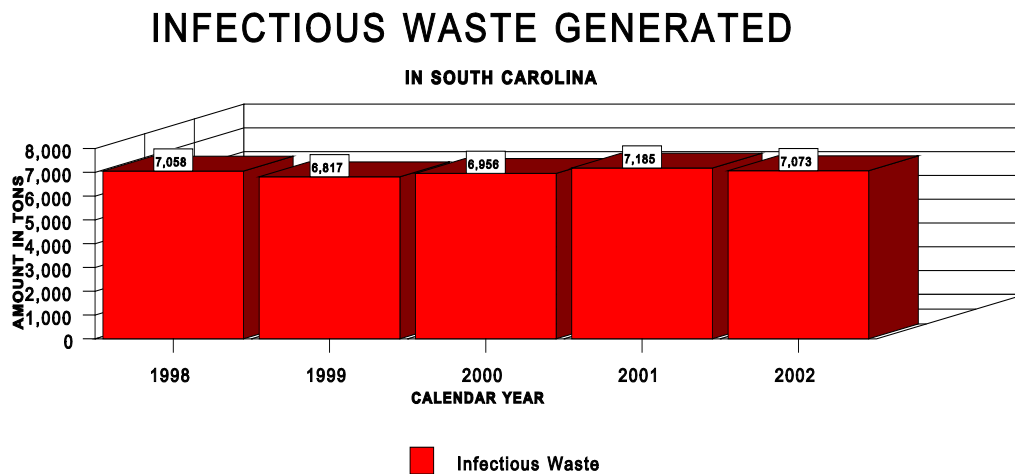
Section 44-93-210, Act Number 134 of 1989, as amended, the Infectious Waste Management Act, requires that beginning November 1, 1990, and annually thereafter, the Department

"shall estimate and publish the amount of infectious waste it expects to be generated within this State during the succeeding calendar year."

In accordance with this provision, the Department estimates that the amount of infectious waste it expects to be generated within this State during Calendar Year 2002 is 7,072.56 tons or 589.38 tons per month. Please note this

## 14 NOTICES

is only an estimate based upon the information available to the Department as of October 1, 2001. An analysis of how the estimate was derived is available from the Bureau of Land and Waste Management. For further information, please contact Mr. Phil Morris, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, South Carolina, 29201, at (803) 896-4173.



## 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 December 30, 2001, to:

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

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

Class IClass II

PHA Environmental Restoration, Inc.

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

**NOTICE**

In accordance with the Section 1-23-40 of the 1976 Code of Laws of South Carolina, as amended, notice is hereby given that the South Carolina Board of Medical Examiners, in response to questions from physicians, particularly at the time of annual re-application, has adopted the following statement regarding retired physicians as guidance for licensed physicians in the practice of medicine under the South Carolina Medical Practice Act and the Principles of Medical Ethics, in as adopted by the Board.

**RETIRED PHYSICIANS**

Physicians contemplating cessation of the active practice of medicine have two (2) options available to them:

1. Allow the permanent medical license to lapse and become inactive with none of the privileges or responsibilities associated with the active practice of medicine.

An inactive license allows the physician the right to apply for re-activation and to maintain health insurance through professional associations, such as the South Carolina Medical Association. An inactive license does not allow the physician to:

- a. Provide patient services
  - b. Order tests or therapies
  - c. Prescribe, dispense or administer drugs
  - d. Perform any other medical or surgical acts
  - e. Receive income for provision of medical and/or surgical services performed following deactivation.
2. Maintain a full active license which requires fulfilling all requirements of such licensure, including financial and educational.

The South Carolina Medical Board is aware that a number of physicians consider themselves “retired” but still hold a currently registered active medical license and provide professional medical and/or surgical services to patients on a regular or occasional basis. Such physicians customarily serve the needs of long-standing patients, nursing home residents, emergency rooms, community health programs, etc. The Board commends those physicians for their willingness to continue to serve following “retirement,” but recognizes that such service is not the complete cessation of the practice of medicine and, therefore, must be joined with an undiminished awareness of professional responsibility. That responsibility means that such physicians must:

- a. Practice within their areas of professional competence.
- b. Prepare and keep medical records in accordance with good professional practice.
- c. Maintain their competence through an active continuing medical education effort.
- d. Assure that their health status allows them to practice safely and effectively.

## 16 NOTICES

The Board also reminds “retired” physicians with currently registered active licenses that all federal and state laws and rules relating to the practice of medicine and/or surgery apply to them, that the policy statements of the Board apply to all actively practicing physicians, and that they continue to be subject to the risk of liability for any medical and/or surgical acts they perform.

For those inactive physicians wishing to provide medical services to the indigent and needy citizens of our State, a special volunteer license is available which limits practice to a specific site(s) and practice setting(s) with no associated licensure or other fees. Physicians with a special volunteer license are not allowed to receive income for the provision of their medical and/or surgical services.

### DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING SECTION PUBLICATION OF ROUTES COMPRISING THE SOUTH CAROLINA TRUCK NETWORK

Pursuant to Regulation 63-393 as authorized by Section 56-5-4075 of the South Carolina Code of Laws (1976 as amended), effective as of the date of publication of this notice, the following list of routes and route segments comprises the South Carolina Truck Network. A newly designated route segment is included in the list. Tandem Trailer combinations and other larger vehicles are authorized to operate on the network.

#### SOUTH CAROLINA TRUCK NETWORK (Includes National Truck Network)

Route	From	To	Miles
US 1*	I-20, Near Lexington	I-20, Near West Columbia	5
US 1*	SC 151, McBee	US 601, Camden	32
US 15	North Carolina State Line	US 52, Society Hill	23
US 17*	I-95 (Exit 5)	Georgia State Line	13
US 17	I-95, Near Pocotaligo	US 21, Gardens Corner	9
US 17*	US 21, Gardens Corner	SC 7, Charleston	47
US 17**	I-26, Charleston	North Carolina State Line	117
US 21 BUS*	SC 121, Rock Hill	US 21, Rock Hill	1
US 21*	US 21 BUS, Rock Hill	I-77, Rock Hill	1
US 21	US 17, Gardens Corner	SC 170, Beaufort	13
US 21/178	US 601, Orangeburg	US 301, Orangeburg	2
US 25	North Carolina State Line	US 78, North Augusta	140
US 29*	SC 28, Anderson	I-85, North of Anderson	19
US 52	Moncks Corner	US 52/I-26 CONN., Goose Crk	19
US 52	US 15, Society Hill	S-411, Near Kingstree	62
US 52/I-26* Connector	US 52, Goose Creek	I-26	2
US 76	SC 277, Columbia	I-126, Columbia	1
US 76	US 52, Florence	SC 576, Near Marion	20

US 76*	I-85, Near Anderson	US 123, Clemson	11
US 78	I-26, Near Goose Creek	US 52, Goose Creek	2
US 78	Georgia State Line	I-95, Near St. George	90
US 123	Bibb Street (S-70), Westminster	US 25, Greenville	41
US 176*	I-85, Spartanburg	SC 72, Near Whitmire	53
US 221*	I-26 (Exit 28)	SC 295, Near Spartanburg	5
US 276	I-85, Greenville	I-385, Near Simpsonville	5
US 278	SC 363, Hampton	US 301, Allendale	15
US 301*	Georgia State Line	US 321, Ulmer	21
US 301	US 321, Ulmer	I-95, Santee	58
US 321	I-26, Near Columbia	I-95, Near Hardeeville	122
US 378	I-77, Columbia	US 501, Conway	120
US 501	SC 576, Marion	US 17, Myrtle Beach	42
US 521*	I-20, Near Camden	US 76/378, Sumter	23
US 601*	US 1, Camden	I-20, Near Lugoff	2
US 601	I-26, Near Jamison	US 21/178, Orangeburg	4
US 601	North Carolina State Line	SC 9, Pageland	3
SC 5*	US 321, York	SC 901, Near Rock Hill	13
SC 7*	US 17, Charleston	I-526, Charleston	1
SC 9*	SC 72, Chester	US 15/401, Bennettsville	98
SC 18*	North Carolina State Line	I-85 (Exit 95), Gaffney	7
SC 19*	US 25, South of Edgefield	US 78, Aiken	16
SC 24*	I-85, North of Anderson	SC 28, Anderson	10
SC 28*	SC 24, Anderson	SC 72, West of Abbeville	33
SC 38*	US 15/401, Bennettsville	I-95, Near Oak Grove	20
SC 49*	I-385, Near Laurens	I-26, Near Cross Anchor	7
SC 63*	I-95 (Exit 53)	SC 363, East of Hampton	21
SC 64*	I-95, Near Walterboro	US 17, Jacksonboro	18
SC 72*	Georgia State Line	US 25, Greenwood	30
SC 72	US 25, Greenwood	SC 121, Rock Hill	91
SC 121*	SC 72, Rock Hill	US 21, Rock Hill	2
SC 121	SC 72, Whitmire	US 25, Trenton	60
SC 125*	US 78, Near North Augusta	US 301, Allendale	51
SC 151	SC 9, Pageland	US 52, Darlington	50
SC 277	I-77, Columbia	US 76, Columbia	8
SC 295*	SC 296, Spartanburg	US 176, Near Pacolet	12
SC 296*	I-26, Near Spartanburg	SC 295, Spartanburg	0.1
SC 327***	I-95 (EXIT 170)	US76/301, Near Florence	5



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SC 363	SC 63, East of Hampton	US 278, Hampton	4
SC 576	US 76, Near Marion	US 501, Near Marion	3
SC 901*	SC 5, Rock Hill	SC 121, Rock Hill	4

\* Designated by State (Not on National Truck Network)

\*\* On US 17 at Charleston use Silas Pearman Bridge only

\*\*\* Addition effective with this notice

**CLEMSON UNIVERSITY**  
**STATE LIVESTOCK-POULTRY HEALTH COMMISSION**  
**CHAPTER 27**  
**Statutory Authority: 1976 Code Section 47-4-30 and 47-17-130**

**Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection or meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Daniel E. Lafontaine, Director, State Meat Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than December 28, 2001, the close of the drafting comment period.

**Synopsis:**

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

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

**Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Daniel E. Lafontaine, Director, State Meat Inspection Department, P. O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than December 28, 2001, the close of the drafting comment period.

**Synopsis:**

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

## 20 DRAFTING

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

#### Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Julie Seel, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by December 24, 2001, the close of the drafting comment period.

#### Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. The Department proposes to amend Regulations, 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; 61-62.63, *National Emission Standards for Hazardous Air Pollutants*; and 61-62.70, *Title V Operating Permit Program*, to incorporate recent Federal amendments promulgated during the period from January 1, 2001 through January 1, 2002. The Department may also propose typographical corrections and clarifications to R.61-62 as necessary.

In addition, the Department is proposing to amend Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants*, to incorporate the requirements of 40 CFR subpart B sections 63.50 through 63.56. These sections of the Code of Federal Regulations implement the requirements of section 112(j) of the Clean Air Act (CAA). The CAA requires EPA to promulgate regulations establishing emissions standards for each category of major sources and area sources of hazardous air pollutants. These standards are commonly referred to as the Maximum Achievable Control Technology (MACT) standards. Section 112(j) requires the states to do case-by-case determinations until all MACT standards are finalized. These determinations would be required for each source in each source category for which the EPA fails to promulgate a MACT standard by May 15, 2002. On March 23, 2001, EPA proposed a rule with additional amendments to 40 CFR subpart B. The Department proposes to revise R.61-62.63, to incorporate all amendments to subpart B to include the recently proposed, but not yet finalized, amendments. The Department will not proceed with finalizing these amendments until the newly proposed Federal amendments have been finalized.

The proposed amendments in this Notice will not be more stringent than the current Federal requirements. The proposed amendments will not require legislative review.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Section 44-1-140

#### Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-56, Individual Waste Disposal Systems. A Notice of Drafting was previously published in the State Register on May 23, 1997, and on April 27, 2001. Interested persons may submit comments to Roger D. Scott, R.S., Division of Onsite Wastewater Management, Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201-1708. This Notice of Drafting is being published to extend the comment period and promulgation time for this regulation amendment. All comments received previously will be considered and need

not be resubmitted. New comments submitted for the current Notice must be received by 5:00 p.m. on December 24, 2001, the close of the drafting comment period.

**Synopsis:**

This regulation and proposed amendment encompasses procedures and criteria for evaluation of sites, issuance of permits, and installation of individual waste disposal systems.

This amendment will require legislative review.

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

Statutory Authority: Sections 44-63-20 of the 1976 S.C. Code of Laws, as amended

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-19, *Vital Statistics*. Interested persons may submit their views by writing to Ms. Jo Ann S. Gooding, Director, Division of Vital Records at 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on December 24, 2001, the close of the drafting period.

**Synopsis:**

Regulation 61-19, governing the Vital Statistics System in South Carolina, is being updated to ensure that birth, death, and fetal death data captured is in compliance with the new standard model adopted by the National Center for Health Statistics (NCHS) for implementation January 1, 2004.

NCHS is the federal government's principal vital and health statistics agency. NCHS provides a wide variety of data with which the health of our Nation is monitored. NCHS data systems include data on vital events as well as information on health status, lifestyle and exposure to unhealthy influences, etc. This data is used by policymakers in Congress and the Administration, by medical researchers, and by others in the health community.

The philosophy of the standard certificates/reports being implemented on January 1, 2004, addresses an electronic process to register vital events, not to design a word processing package to complete a paper document. Revised vital record software packages are being structured to interface with hospital patient record packages, funeral director packages, etc. A major emphasis of the 2004 revision is to improve quality. A system will not just capture a response; the system will capture quality information. Therefore, it is imperative for the State of South Carolina to revise regulation to ensure that our State collects its vital event data on the new standard model beginning January 1, 2004.

The proposed amendment changes will require legislative review.

**COMMISSION ON HIGHER EDUCATION**  
CHAPTER 62

Statutory Authority: 1976 Code Section 59-58-10 through 59-58-140

**Notice of Drafting:**

The South Carolina Commission on Higher Education is considering amendments to the regulations concerning nonpublic postsecondary institution licensing. Interested persons should submit their views in writing to Renea H. Eshleman, Coordinator, Nonpublic Postsecondary Institution Licensing, Commission on Higher Education,

## **22 DRAFTING**

1333 Main Street, Suite 200, Columbia, South Carolina 29201. To be considered, all comments must be received no later than December 14, 2001, at 10:00 AM.

### **Synopsis:**

The General Assembly passed the “Nonpublic Postsecondary Institution License Act” (Section 59-58-10 through 140) that established a South Carolina Commission on Higher Education administered program for the licensure of certain nonpublic postsecondary institutions operating or soliciting in South Carolina. The South Carolina Commission on Higher Education administers the Act under its Regulations 62-1 through 28.

The proposed changes to the regulations will strengthen the requirements for licensure. These measures are intended to make the requirements for nonpublic institution licensing more parallel to the requirements for public institutions and to provide additional direction to institutions applying for licensure concerning commonly accepted good practice in higher education. Some of the areas in which changes will be proposed are: licensing criteria, evaluation and assessment, program and instructor requirements for associate’s, bachelor’s, and graduate degree programs, catalog requirements, and fees.

Document No. 2694  
**EDUCATION LOTTERY COMMISSION**  
 CHAPTER 44  
 Statutory Authority: 2001 Act No.59

44-10 – 44-100. South Carolina Education Lottery

**Preamble:**

The General Assembly passed the South Carolina Education Lottery Act (Act 59 of 2001) establishing a state-administered education lottery. Proceeds from the lottery will be used to fund improvements and enhancements for educational purposes and programs as provided by the General Assembly, including scholarships, grants, and technology. The Act requires the South Carolina Education Lottery Commission to promulgate regulations to carry out and implement its powers and duties to regulate the conduct and operation of lottery games.

The proposed regulations will provide the Commission with necessary policies and procedures to organize and operate the Commission, regulate the conduct of lottery games, and address other matters necessary and desirable for the efficient and effective operation of the lottery for the public convenience.

Notice of Drafting for the proposed regulations was published in the State Register on October 26, 2001.

Section- by-Section Discussion:

(1) Establish regulations for the South Carolina Education Lottery Commission.

- 44-10 Defines the meaning of words and terms used throughout SCEL regulations.
- 44-20.10 Establishes general licensure provisions. Authorizes the Executive Director to issue lottery licenses. Requires an applicant to file an application. Provides that the issuance of a lottery license is a privilege which is subject to suspension, revocation, or termination as provided in Section 59-150-150(B)(4).
- 44-20.20 Establishes that an applicant for a lottery license may not be approved if: (1) the business is to be solely engaged in the sale of lottery products; (2) the gross revenues of the business from the sale of lottery tickets is more than 60%; (3) the applicant is under 21 years of age; (4) a foreign corporation is not registered in South Carolina; or (5) the business is ineligible pursuant to the Education Lottery Act or regulations or rules of SCEL.
- 44-20.30 Provides that a criminal background check must be performed on certain applicants applying for retail lottery licenses, including operational managers and employees of businesses selling lottery products.
- 44-20.40 Authorizes the Executive Director to license lottery retailers for a period of time of not less than one year. For purposes of licensure, the Executive Director shall consider the following: (1) the moral character and reputation of the applicant; (2) the financial responsibility of the applicant's business; (3) the accessibility of the applicant's business to the public; (4) the number and sufficiency of businesses selling lottery products; (5) the expected volume of lottery game sales; (6) the security and efficient operation of the Lottery; (7) the eligibility of the applicant to be licensed under the Act; (8) whether the applicant's application is truthful; (9) whether the applicant is current on his/her state tax; and (10) whether the applicant owes an unpaid debt to SCEL.

## 24 PROPOSED REGULATIONS

- 44-20.50 Provides that licenses shall be renewed annually and renewals may be staggered, but all applications for renewal must be returned to SCEL 30 days prior to expiration. The Executive Director may issue a license pending a final determination of eligibility for licensure. The Executive Director shall recommend and the Commission must approve all fees for licensure.
- 44-20.60 Provides the justification for the Executive Director to cancel, revoke, suspend, terminate, or deny the renewal of a license as required by the Act. Some of the reasons include: (1) selling a ticket at a price greater than that authorized by the Commission; (2) selling a lottery ticket to a person under 18 years of age; (3) accepting anything other than cash for a lottery ticket; (4) transferring ticket stock without consent of SCEL; (5) selling lottery tickets at a location that is not on the license certificate; (6) material misrepresentation on an applicant's application for licensure; (7) failure to properly notify, report, or settle accounts with SCEL regarding lottery tickets; (8) failure to display license and display material; and (9) failure to report a conviction of any felony or a crime related to gambling during the term of the license.
- 44-20.70 Provides that licenses may not be transferred and lottery game tickets may only be sold by the retailer named on the license.
- 44-30 Authorizes the Executive Director to enter into a contract with a lottery retailer for the sale of lottery tickets or refuse to renew or license a retailer. A retailer may appeal an adverse decision of the Executive Director regarding licensing to the Commission and appeal an adverse decision of the Commission to the Administrative Law Judge Division. SCEL is also authorized to establish a weekly fee for online services to recoup some of the cost of administering the online services and relate computer equipment. No retailer who sells only instant tickets may be charged an online fee.
- 44-40.10 Authorizes SCEL to select, operate, and contract for the operation of instant games and establishes the criteria for instant games including types of games, maximum cost of tickets, frequency of ticket drawings and additional special prize drawings. The price of a ticket shall not be more than \$10. Winning tickets are determined by matching or specified alignment of numbers, digits, and symbols on the tickets. The Commission shall determine the numerical frequency and prize amounts for winning tickets. Also provides procedures for claiming instant prizes are established and retailers are required to pay prizes up to and including \$500 during normal business hours. Prizes may be paid up to 90 days after the end of the official game and retailers must return all unopened tickets for each game within 30 days of the game ending. SCEL has no obligation to grant credit for tickets not returned more than 30 days after the official game ends.
- 44-40.20 Provides that an instant ticket must pass validation requirements to be eligible for a prize. Some of the requirements for validation include: (1) the ticket must be issued as authorized by the Executive Director;(2) the ticket may not be altered, mutilated, unreadable, reconstructed, or tampered with; (3) the ticket is not counterfeit; (4) the ticket is not stolen; (5) the ticket is complete and not blank or partially blank; and (6) the ticket passes all additional confidential validation requirements.
- 44-50.10 Authorizes SCEL to select, operate, and contract for the operation of online games and establishes the criteria for instant games including types of games, maximum cost of tickets, frequency of ticket drawings and additional special prize drawings. The price of a ticket shall not be less than \$0.50. Also provides procedures for claiming instant prizes are established and retailers are required to pay prizes up to and including \$500 during normal business hours. Retailers may pay prizes in cash, or business check, certified check, money order, or a combination thereof. Prizes may also be claimed by submitting a winning ticket to SCEL for

validation and payment. Prizes may be paid up to 180 days after the drawing in which the prize was won.

- 44-50.20 Provides that the Executive Director shall determine the location, times, and days of prize drawings, including the equipment to be used to establish randomly selected winning combinations. Also, the Executive Director is required to establish procedures governing the conduct of drawings for each online game. This includes procedures to be used when a mechanical failure occurs resulting in a foul called by the drawing representative. The Executive Director shall delay payment of all prizes if any evidence of tampering or fraud has occurred until an investigation is completed and the drawing is certified.
- 44-50.30 Provides that a winning online ticket must meet all of the following conditions to be validated: (1) All printing on the ticket shall be present in its entirety, be legible and correspond, using the computer validation file, to the combination and date printed on the ticket. (2) The ticket must be intact. (3) The ticket shall not be altered, mutilated, unreadable, reconstructed, or tampered with. (4) The ticket shall not be counterfeit. (5) The ticket must have been sold by a lottery retailer. (6) The ticket shall not have been stolen or canceled. (7) The ticket shall not have been previously paid. (8) The ticket shall pass all confidential security checks
- 44-55 Provides that SCEL may enter into a multi-state agreement for the sale of instant game tickets, online game tickets, and other such related products including game shows and promotional products as authorized by Section 59-150-59. Rules governing the sales, validation and redemption of prizes shall be governed by the multi-state agreement entered into on behalf of SCEL.
- 44-60 Requires that the Executive Director submit to the Commission a draft of all online game rules. The Commission may adopt or modify the online game rules as necessary for the efficient and effective operation of the lottery.
- 44-70 Prohibits the award of a prize to an individual who is not 18 years of age and who has not completed and signed a claim form. In the event that a group of people win a prize, the group must designate one person to file the claim. No prize will be paid by the lottery for a prize that is not claimed within the required time. The lottery may deny awarding a prize to a claimant if the ticket is printed or produced in error.
- 44-80 Authorizes the Executive Director to make lawful payment on a claim to someone other than the purchaser, if certain conditions exist. SCEL may pay a claim to a court-appointed guardian, executor, administrator, receiver, or other court-appointed assignees. The Executive Director may pay prizes to a decedent's estate or petition the court to determine the payee for a decedent.
- 44-90.10 Provides that all retailers must make payments to SCEL for lottery sales by using Electronic Funds Transfer (EFT). The retailer must deposit proceeds from lottery sales into the special account as required by SCEL. The Executive Director may revise the times of deposit as necessary for the efficient operation of the lottery.
- 44-90.20 Provides that a lottery retailer may have his license suspended for failing to timely deposit funds into his or her EFT account for the payment of lottery games. SCEL may assess the following penalties: (1) for a first occurrence in a twelve-month period shall be a written warning of the future consequence of such actions; (2) for a second occurrence in a twelve-month period the Executive Director shall suspend all lottery activity for up to seven days and assess a fine of not less than \$100 nor more than 10% of the average gross proceeds from the last 10 weeks; (3) for a third occurrence in a twelve-month period the Executive Director shall suspend all lottery activity for up to seven days and assess a fine of not less than \$300 nor more than 20% of the



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average gross proceeds from the last 10 weeks. The Executive Director may exercise discretion in determining whether the provisions of this section have been violated.

- 44-90.30 Requires that SCEL create certain financial accounts for the efficient operation of the lottery as required by the Act. Also provides for the use of such accounts and requires that no less than 45% of the gross proceeds from the sale of lottery games for the payment of prizes.
- 44-90.40 Authorizes the Executive Director to require a retailer to post a bond or other appropriate security as proof of financial responsibility. The Executive Director shall determine the amount and the form of any required bond.
- 44-100 Individuals may be required to use identifying numbers on payments, statements and transactions with SCEL.
- 44-110 Requires lottery retailers to provide information to SCEL in a form prescribed by SCEL.
- 44-120 The Executive Director is responsible for providing certain daily, monthly and annual reports as may be requested by the Commission.
- 44-130 Authorizes SCEL to enter into licensing agreements for the use of trademarks or other copyrighted materials. SCEL may allow lottery retailers to use and display the Lottery logo, trademark, and other advertising materials without charge.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested members of the public and regulated community are invited to make oral or written comments regarding the proposed regulations at a public hearing to be conducted by the Commission at its meeting on December 27, 2001. The public hearing will be held in Room 105, Gressette Office Building, 1101 Pendleton Street, Columbia, South Carolina. The Commission meeting commences at 10:30 a.m. at which time the Commission will consider oral or written comments regarding the proposed regulations. Persons desiring to make oral comments at the hearing are asked to be as brief as possible and are asked to provide written copies of their presentation for the record. The Chairman or his designee will determine the length of time for presentations at the beginning of the hearing. Interested persons may submit comments to Ms. Faris Carroll, Office of Legal Services, South Carolina Education Lottery, 1333 Main Street, Columbia, South Carolina 29201. To be considered, written comments for the public hearing must be received no later than 5:00 p.m. on December 20, 2001.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

Statement of need and reasonableness for the proposed regulations was determined by staff pursuant to Chapter 150, Title 59 of the South Carolina Code of Laws, as amended.

**DESCRIPTION OF REGULATION:** To promulgate regulations for the South Carolina Education Lottery Commission.

Purpose: To provide regulations enabling the Commission to carry out and implement their powers and duties for the conduct and operation of lottery games.

Legal Authority: The legal authority to promulgate regulations is Chapter 150, Title 59 of the 1976 Code, as amended.

Plan for Implementation: The new regulations will take effect upon approval of the General Assembly and publication in the State Register. The proposed regulations will be implemented by providing copies or access to the regulations to businesses applying to be lottery retailers.

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

The proposed regulations will promote the South Carolina Education Lottery by providing South Carolina retailers with the opportunity to become lottery retailers. Retailers who are licensed pursuant to the Act and these regulations will have the opportunity to increase the annual gross revenues of their business by selling lottery games. The revenues from the sale of lottery games will provide critical funding to help support and provide educational assistance to individuals in South Carolina as authorized by the General Assembly.

DETERMINATION OF COST AND BENEFITS: There will be minimal cost incurred by the State associated with adopting regulations and necessary support to the lottery program. The overall benefit of adopting these regulations will be to generate proceeds from lottery game sales to provide educational funding in the form of scholarships, grants and technology to educational institutions in South Carolina as may be appropriated by the General Assembly.

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.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2697  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTERS 30 and 61  
Statutory Authority: S.C. Code Section 48-39-10 et seq.

R.30-2. Applying for a Permit  
R.30-4. Decision on a Permit  
Regulations for Permitting  
in the Critical areas of the Coastal Zone

R.61-30. Environmental Protection Fees

**Preamble:**

(1) The Department proposes to amend R.30-2.B(9) which contains the current application fee schedule for activities in the critical area of the eight coastal counties, and revise R.30-4.C and 4.H to insert clarifying

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language, making these sections consistent with the administrative processes defined and described in R.61-30, Environmental Protection Fees.

(2) The Department is also proposing to amend R.61-30.A to add a reference, and R.61-30.B will be revised to insert new definitions which explain terms relevant to the coastal zone management program. New sections R.61-30.G(14) and R.61-30.H(3) will be added to describe the fees and time schedules for activities in the critical area of the eight coastal counties and to increase the fee for major activities in the critical areas of the coastal zone, and to add new fees for the transfer or extension of permits for both minor and major activities.

A Notice of Drafting for this proposed amendment was published in the State Register on September 28, 2001. See Discussion below and Statement of Need and Reasonableness herein.

### Discussion of Proposed Revisions:

(1) Proposed Amendment of R.30-2 and R.30-4:

<u>SECTION</u>	<u>CHANGE</u>
30-2.B(9)	Delete current administrative fee schedule for permit applications and add a reference to R.61-30.G(14).
30-4.C	The word 'administratively' is added to insure compatibility with the term 'administratively complete' as used in R.61-30, Environmental Protection Fees, and a reference to R.61.30 is added.
30-4.H	Language is amended to insure compatibility with processes in R.61-30, Environmental Protection Fees, that describe amendment requests, and a reference to R.61.30 is added.

(2) Proposed Amendment of R.61-30:

61-30.A	Language is added to include reference to the Coastal Tidelands and Wetlands statute, S.C. Code Section 48-39-145.
61-30.B	Four new definitions are added in alphabetical/numerical order. Definitions are added for "Minor activity", "Major activity", "Permit extension", and "Transfer of permits".
61-30.G	A new section (14) is added that includes the fee schedule for the Coastal Zone Management Program. This includes critical area permit application fees for minor and major activities, and extensions or transfers of minor and major permits.
61-30.H	A new section (3) is added that includes the time schedules for processing critical area permits.

### Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend an informational forum. Two forums have been scheduled on December 12. One will be held at 5:00 p.m. in the 3<sup>rd</sup> floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. A second forum has been scheduled earlier in the day at 2:00 p.m. in conference Room 4380, fourth floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina. Please enter the building using the Bull Street entrance for persons attending the forum in Columbia. The purpose of the forums is to answer questions, clarify issues and receive formal

comments from interested persons on the proposed amendments. Comments received shall be considered by staff in formulating the final draft proposal for submission to the board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Section 1-23-110 and 1-23-111 below.

Copies of the proposed changes for public notice and comment can be obtained by contacting Ms. Debra L. Hernandez and Mr. Michael E. Rowe, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting January 10, 2002. The public hearing will be held in the Board Room of the Commissioner's Suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. Please enter the building at the front entrance facing Bull Street. 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 Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Ms. Debra L. Hernandez and Mr. Michael E. Rowe, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than December 24, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on January 10, 2002, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for submission to the Board for public hearing may be obtained by contacting Ms. Hernandez at the above address: Telephone number (843)744.5838; Fax number (843)744.5847.

**Preliminary Fiscal Impact Statement:**

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these amendments; therefore, no additional state funding is being requested. These fees are intended to provide a static level of funding for the programs as described herein.

**Statement of Need and Reasonableness:**

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

**DESCRIPTION OF REGULATIONS:**

R.30-2, Applying for a Permit

R.30-4, Decision on a Permit

R.61-30, Environmental Protection Fees

Purpose of Regulation: The purpose of this amendment is to: (1) delete the text of R.30-2.B(9) which contains the current application fee schedule for activities in the critical area of the eight coastal counties and insert a reference to R.61-30, Environmental Protection Fees. R.30-4.C and 4.H will be amended to insert clarifying language, making these sections consistent with the administrative processes defined and described in R.61-30. (2) R.61-30.A will be revised to add reference to the Coastal Tidelands and Wetlands statute, and new definitions

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will be added in R.61-30.B which explain terms relevant to the Coastal Zone Management Program. New sections R.61-30.G(14) and R.61-30.H(3) will be added to R.61-30 to describe the fees and time schedules for activities in the critical area of the eight coastal counties and to increase the fee for major activities in the critical areas of the coastal zone. New fees for the transfer or extension of permits for both minor and major activities will be added.

Legal Authority: S.C. Code Sections 48-39-10 et seq.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R. 30-2 and R.30.4, and R.61-30 upon approval of the Board of Health and Environmental Control, the S.C. General Assembly, and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

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

(1) Coastal Zone Management Critical Area Application Fees and Processes. The proposed amendment would delete the text at R.30-2.B(9) that contains the current application fee schedule for activities in the critical area of the eight coastal counties, and a reference to R.61-30 will be added. This amendment would also revise R.30-4.C and R.30-4.H to insert clarifying language, making these sections consistent with the administrative processes defined and described in R.61-30, Environmental Protection Fees. This change is proposed to insure consistency of administrative processes between the permitting programs of DHEC-OCRM and DHEC-EQC.

(2) Environmental Protection Fees. This proposed amendment would revise R.61-30.A, Purpose and Scope, and insert new definitions in R.61-30.B to explain terms relevant to the Coastal Zone Management Program. New sections R.61-30.G(14) and R.61-30.H(3) would be added to describe the fees and time schedules for activities in the critical area of the eight coastal counties. These changes are proposed to add the fees associated with the Coastal Zone Management Program in R.61-30. These changes are also proposed to include an increase in the fee for major activities in the critical areas of the coastal zone, and new fees for the transfer or extension of permits for both minor and major activities. The complexity and controversy associated with reviewing, inspecting and issuing these permits have increased significantly in recent years. Since 1993, the fees for activities in the critical area have gone into the Coastal Resources Access Fund, which provides grants to coastal communities to construct access facilities for the public. The proposed fee increases will allow the Department to continue funding these important access projects, as well as generate funds to offset the increasing costs of managing the program. The new fees for transfer or extension of permits are proposed to cover a portion of the administrative costs associated with processing these requests in a timely manner. No additional staff will be hired as a result of these increases in fees.

DETERMINATION OF COSTS AND BENEFITS: There will be an increased cost to the regulated community with the implementation of the regulation changes proposed in items (2) and (3) above. However, such costs have been kept to a minimum in order to limit impacts on the regulated public. The proposed increases will defray a portion of the costs of administering the programs. The benefits to the citizens of the State, which accrue through the protection of coastal tidelands and statewide water resources, are significant and offset the cost to the regulated community. Additionally, these changes will help insure the continued ability of the Department meet the needs of the regulated community for timely processing of permitting requests by maintaining existing staffing levels.

UNCERTAINTIES OF ESTIMATES: The Department can be reasonably accurate on the costs associated with time and effort to review environmental permits. Some uncertainties exist with estimating future permitting demand. However, since actively measuring and reporting on required time frames, the Department has had a 97% success rate in meeting review times established in regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Substantive review of projects which have a negative impact on the environment and/or public health is necessary to protect both the natural resources of South Carolina and the health of its citizens. Experience has shown that proper funding of permitting programs, coupled with an organizational philosophy to streamline the process, works best to both protect the environment and provide an economic boost to applicants by assuring them a timely response from the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: To repeat the statement above, a lack of appropriate resources slows the permitting process. Insufficient funding creates backlogs of permits awaiting review. This in turn negatively affects the timely turnaround of projects, which may be addressing a potential pollution problem. It prevents the issuance of restrictive permits intended to protect the public health and environment.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2698  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 72  
Statutory Authority: S.C. Code Section 48-14-10 et seq.

R.72-300. Standards for Stormwater Management and Sediment Reduction

**Preamble:**

R.72-306.B will be amended to increase the application fee for new land disturbing activities and to charge a fee for permit modifications.

A Notice of Drafting for this proposed amendment was published in the State Register on September 28, 2001. See Discussion below and Statement of Need and Reasonableness herein.

**Discussion of Proposed Revisions:**

Proposed Amendment of R.72-300:

72-306.B Amend this section to 1) change the application fee for land disturbing activities to \$100 per disturbed acre up to a maximum of \$2000, and 2) add a fee for review of permit modifications.

**Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend an informational forum. Two forums have been scheduled on December 12. One will be held at 5:00 p.m. in the 3<sup>rd</sup> floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. A second forum has been scheduled earlier in the day at 2:00 p.m. in Conference Room 4380, fourth floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina. Please use the front entrance facing Bull Street if attending the forum in Columbia. The purpose of the forums is to answer questions, clarify issues and receive formal comments from interested persons on the proposed amendments. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Section 1-23-110 and 1-23-111 below.

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Copies of the proposed changes for public notice and comment can be obtained by contacting Ms. Debra L. Hernandez and Mr. Michael E. Rowe, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting January 10, 2002. The public hearing will be held in the Board Room of the Commissioner's Suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. Please enter the building at the front entrance facing Bull Street. 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 Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Ms. Debra L. Hernandez and Mr. Michael E. Rowe, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than December 24, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on January 10, 2002, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for submission to the Board for public hearing may be obtained by contacting Ms. Hernandez at the above address: Telephone number (843)744.5838; Fax number (843)744.5847.

### **Preliminary Fiscal Impact Statement:**

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these amendments; therefore, no additional state funding is being requested. These fees are intended to provide a static level of funding for the programs as described herein.

### **Statement of Need and Reasonableness:**

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

DESCRIPTION OF REGULATIONS: R.72-300, Standards for Stormwater Management and Sediment Reduction

Purpose of Regulation: The purpose of this amendment is to amend R.72-306 to increase the application fee for new land disturbing activities, and charge a fee for permit modifications.

Legal Authority: S.C. Code Section 48-14-10 et seq.

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.72-306 upon approval of the Board of Health and Environmental Control, the S.C. General Assembly, and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** Revision of R.72-306.B is proposed to increase the application fees for new land disturbing activities. These fees have been at the current level of \$50 per disturbed acres with a maximum of \$1000 since their inception in 1992. In recent years, the annual program costs were more than three times the collected fee revenue. Additionally, costs are increasing as more and more sites are added to the long-term inspection inventory. The proposed fee increase will help to offset increasing program costs and recent budget cuts, as well as maintain existing staff and review times for issuing permits. No additional staff will be hired as a result of this increase in fees.

**DETERMINATION OF COSTS AND BENEFITS:** There will be an increased cost to the regulated community with the implementation of the regulation changes proposed above. However, such costs have been kept to a minimum in order to limit impacts on the regulated public. The proposed increases will defray a portion of the costs of administering the programs. The benefits to the citizens of the State, which accrue through the protection of coastal tidelands and statewide water resources, are significant and offset the cost to the regulated community. Additionally, these changes will help insure the continued ability of the Department meet the needs of the regulated community for timely processing of permitting requests by maintaining existing staffing levels.

**UNCERTAINTIES OF ESTIMATES:** The Department can be reasonably accurate on the costs associated with time and effort to review environmental permits. Some uncertainties exist with estimating future permitting demand. However, since actively measuring and reporting on required time frames, the Department has had a 97% success rate in meeting review times established in regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** Substantive review of projects which have a negative impact on the environment and/or public health is necessary to protect both the natural resources of South Carolina and the health of its citizens. Experience has shown that proper funding of permitting programs, coupled with an organizational philosophy to streamline the process, works best to both protect the environment and provide an economic boost to applicants by assuring them a timely response from the State.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** To repeat the statement above, a lack of appropriate resources slows the permitting process. Insufficient funding creates backlogs of permits awaiting review. This in turn negatively affects the timely turnaround of projects, which may be addressing a potential pollution problem. It prevents the issuance of restrictive permits intended to protect the public health and environment.

**Text:**

**Amend R.72-306.B to read:**

Where the Commission is the implementing agency, the Commission may assess a fee not to exceed \$100.00 per disturbed acre up to a maximum of \$2000.00. No fee will be charged for land disturbing activities which disturb two acres or less. A fee of \$100.00 will be charged for permit modifications.



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Document No. 2690  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-13-250

### **Preamble:**

The Department of Natural Resources proposes to establish a regulation for the protection of rainbow, brown and brook trout in the Chattooga River and Cheohee Creek (Oconee County) and Middle Saluda River (Greenville County). By using harvest restrictions and artificial lure limitations trout populations in these streams will be protected and enhanced for angling opportunities. The proposed regulation will restrict fishing in a 1.5 mile lease portion of the Middle Saluda River (Greenville County) to catch-and-release only. In Cheohee Creek and Chattooga River (Oconee County) fishing will be restricted to single barb hooks with all fish being released from November 1 through May 14.

### **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 a hearing will be conducted at 153 Hopewell Road, Pendleton, 29670, South Carolina, December 31, 2001, at 10:00 a.m. Written Comments may be directed to William S. McTeer, Deputy Director, Wildlife and Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, South Carolina 29202.

### **Fiscal Impact Statement:**

No additional state funding is requested. Existing staff and resources will be utilized. This regulation will have no negative fiscal impact on the state of South Carolina or its citizens. Delayed harvest regulations, when applied in all other situations in southeastern states, were reported to have increased angling use and therefore had a positive fiscal impact on the states. Two of the three stream reaches included in this regulation have not been open to public fishing in the past, therefore the new programs will provide a positive and new fiscal impact.

### **Statement of Need and Reasonableness:**

An angler creel survey on the Chattooga River and other upstate trout streams has revealed that a majority of trout anglers are concerned that trout catch rates and fishing success declines dramatically between stocking events. A large number of anglers that were interviewed indicated a need for a management approach to improve trout catch rates, and quality of the fishing experience.

Additionally, the area of the Chattooga River in question is not intensively managed for trout by stocking at this time. Changing regulations and stocking this area will offer new stocking locations and will in no way take away from current stocking locations or numbers of fish stocked in traditional locations. Also, from May 15 through October 31 the area will follow the same general trout regulations set forth for the Chattooga River.

This is a cooperative management approach with Georgia Department of Natural Resources (GADNR). GADNR will be promulgating identical regulations for this same portion of Chattooga River.

The Cheohee Creek and Middle Saluda River areas have not been open to the public for trout fishing in the past. Regulations to establish these new programs will provide a unique, quality trout fishing experience not currently available in the state.

**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.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2695  
**DEPARTMENT OF REVENUE**  
 CHAPTER 7  
 Statutory Authority: 1976 Code Section 12-4-320

**Regulations**

Regulation	Regulation Title
7-4	Reconsideration of Applications
7-19.1	Rehearings, Location of.
7-30	Rehearing, Request for--Location.
7-45	Offers in Compromise Must be in Writing.
7-57	No Reconsideration on an Application Within Two Years Previously Denied as to Person.
7-87	Hearing, After Denial.
7-96	Rehearings, Location of.

**Preamble:**

The South Carolina Department of Revenue is considering repealing various alcoholic beverage regulations since they are no longer needed due to changes in the law.

Discussion

The South Carolina Department of Revenue is considering repealing the following alcoholic beverage regulations since they are no longer needed due to changes in the law.

Regulation	Regulation Title
7-4	Reconsideration of Applications
7-19.1	Rehearings, Location of.
7-30	Rehearing, Request for--Location.
7-45	Offers in Compromise Must be in Writing.
7-57	No Reconsideration on an Application Within Two Years Previously Denied as to Person.
7-87	Hearing, After Denial.
7-96	Rehearings, Location of.

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### **Text:**

No text is necessary since the proposal is only repealing regulations no longer needed due to changes in the law.

### **Notice of Public Hearing:**

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex in Columbia, South Carolina for January 14, 2002, at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal several regulations that are no longer needed due to changes in the law.

The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. § 1-23-111 (2000), to issue a report that the proposal to repeal the regulations is needed and reasonable.

### **Comments:**

All comments concerning this proposal should be mailed to the following address by December 27, 2001:

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

### **Preliminary Fiscal Impact Statement:**

#### **Summary of the Preliminary Assessment Report:**

#### **Preliminary Assessment Report:**

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

1. The purpose of this proposal is to repeal regulations that are no longer needed because of changes in the law. The authority for repealing these regulations can be found in Code Section 12-4-320. The Department of Revenue will implement this proposal in the same manner as it implements all other regulation proposals.
2. The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed due to changes in the law. The proposal to repeal these regulations is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.
3. This proposal to repeal these regulations will benefit taxpayers because it will reduce any taxpayer confusion by eliminating regulations that are outdated. This regulation proposal is cost effective for the same reasons.

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

9. There is very little uncertainty associated with estimating the benefits of this regulation proposal. All individuals would be similarly treated by these provisions.
10. The proposed repeal of these regulations would not have any effect on the environment and public health.

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

Document No. 2688  
**DEPARTMENT OF SOCIAL SERVICES**  
 CHAPTER 114  
 Statutory Authority: 1976 Code Section 43-1-80

114-1300. General-Food Stamp Program

**Preamble:**

The South Carolina Department of Social Services proposes to develop and amend Food Stamp regulations for the purpose of setting forth new and clarifying current regulations. The areas in which new regulations will be developed or amended include the following: (a) deletion of the requirement to close the Food Stamp case when a client moves from one county to another county; (b) removal of the requirement to sanction the entire family when the head of household fails to comply with Food Stamp work requirements; (c) removal of the requirement to disqualify individuals in arrears on court ordered child support; and (d) update of reporting requirements, Food Stamp Outreach activities, and Food Stamp claims, based on Federal Regulations.

Provisions in the United States Code, Title 7, Agriculture, Chapter 51—Food Stamp Program, permit South Carolina to adopt certain options in the administration of the Food Stamp Program. The Department proposes to develop new regulations and amend current regulations that will set forth the following options: (a) categorical eligibility based on participation in TANF funded programs; (b) reporting requirements for earned income households; (c) transitional benefits for families leaving TANF; (d) use of Family Independence vehicle policy in Food Stamps; (e) participation in Systematic Alien Verification Entitlement (SAVE) and Income Eligibility Verification System (IEVS); and (f) permit the Department to operate a simplified food stamp program for Family Independence recipients upon the publishing of eligibility criteria in the Food Stamp Policy Manual.

In addition, Federal Regulations allow the State to request waivers to those regulations. The Department proposes the following waivers: (a) waiver of the face-to-face interview requirement at quarterly recertification; (b) to report changes quarterly for fluctuating income households; (c) ABAWD alternatives; (d) use of State ESC data to establish Food Stamp claims; (e) submission of State Corrective Action Plan annually; (f) self-declaration of interest income; and (g) change in reporting requirement for income from private sources from \$25 to \$100.

A Notice of Drafting for the proposed amendments was published in the State Register on August 24, 2001. No comments were received.

Section-by-Section Discussion

<u>Section Citation:</u>	<u>Explanation of Change:</u>
114-1300.A	General – Explains what is contained in the FS regulations (waivers and options). Also, changes name of Food and Consumer Service to Food and Nutrition Service.
114-1300.B	Applicants for the FS Program may apply in any county within the state. Eligibility will be determined and maintained in the county in which they reside. FS cases for households who move to another county in the state will remain open.
114-1300.C	Categorical eligibility extended to households who receive services funded with less than 50% TANF dollars.

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- 114-1300.D TANF vehicle rules are used in the FS Program.
- 114-1300.E Allows the Department the option to provide households leaving TANF with transitional food stamp benefits.
- 114-1300.F Allows the Department the option to operate a Simplified FS Program.
- 114-1300.G S.C. will renew annually the waiver to exempt counties with an unemployment rate greater than 10% or counties identified as labor surplus from policy pertaining to Able-Bodied Adults Without Dependents (ABAWDs).
- 114-1320. Application Processing – Removed information contained in the federal regulations.
- 114-1320.C Option to use SAVE to verify immigration status.
- 114-1320.D Option to use IEVS to verify eligibility and income.
- 114-1320.E S.C. opts to renew waiver to allow the Department to only schedule a second interview if the household requests this.
- 114-1330 Income and Deductions – Removed information contained in federal regulations.
- 114-1330.A Households may choose a standard utility allowance or a basic utility allowance as a utility deduction.
- 114-1330.B Homeless households may claim actual monthly shelter deductions.
- 114-1330.C A pro rata share of gross income is budgeted for households that contain an ineligible alien.
- 114-1330.D S.C. opts to renew waiver to allow households to self-declare any interest income that is less than \$10 per month or \$120 per year.
- 114-1335 Disqualifications and Sanctions
- 114-1335.A The state opts to sanction individuals who fail to comply with FS work requirements in the following manner: first violation – one month, second violation – 3 months, third and subsequent violations – 6 months. The individual must serve the sanction and comply with work requirements, unless they become exempt.
- 114-1335.B When an individual is sanctioned in the FI program for failure to comply with program requirements, the FS benefit must not increase.
- 114-1335.C When a household receives a full-family sanction in the FI program, the FS benefit must not increase. This prohibition is limited to a one-year time period. In addition, the non-compliant individual causing the sanction will be removed from the FS budget unless exempt from FS work requirements. This sanction will continue until the individual cooperates with FI work program requirements or becomes exempt from FS work requirements, whichever is less.
- 114-1335.E Removal of information regarding sanctions due to failure to cooperate with child support.
- 114-1340 Determining Eligibility and Benefit Levels – Removed information now contained in federal regulations.

- 114-1340.C Corrected conversion amounts.
- 114-1350 Reporting changes – Removed information now contained in federal regulations.
- 114-1350.A The state opts to allow households with earned income to only report at six month time periods unless they have changes in income that would be greater than the FS income limits.
- 114-1350.B The state opts to renew the waiver allowing households to only report changes in earned income that are due to source, hourly rate or salary, or employment status.
- 114-1350.C The state opts to renew the waiver to require certified benefit groups to report new employment within 10 days from the start of the new employment.
- 114-1350.D The state opts to renew the waiver to allow households to only report unearned income of greater than \$100 from private sources.
- 114-1350.E The state opts to renew waiver to require benefit groups with fluctuating income to only report changes on the quarterly mailed recertification form.
- 114-1380 Outreach – Removed the purpose of outreach.
- 114-1385 Claims – Removed information contained in federal regulations.
- 114-1385.A The state opts to take action to establish claims on all referrals no later than six months from the date the overpayment was detected.
- 114-1385.B The State opts to initiate collection action on inadvertent household error or agency error claims under \$125 at such time that multiple overpayments for a household total \$125 or more.
- 114-1385.C The state opts to participate in the S.C. Department of Revenue Debt Offset Program for the collection of delinquent FI and FS overpayments.
- 114-1385.E The state opts to submit to FNS a waiver to use wage information obtained from Employment Security Commission when calculating overpayments that result from earned income.
- 114-1390 Fair Hearings – Removed information now in federal regulations.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted on December 28, 2001, at 11:30 a.m. at the Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, SC. Written comments may be directed to Ms. Gwen G. Kuhns, Director, Office of Family Independence, South Carolina Department of Social Services, Post Office Box 1520, Columbia, SC, 29202-1520, no later than 5:00 p.m., on Monday, December 24, 2001.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION

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

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

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

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

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

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

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

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2687  
**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114  
Statutory Authority: 1976 Code Section 43-1-80

114-1100. General-Family Independence Program

### Preamble:

The Department of Social Services proposing to amend current regulations in Article 11 of the Family Independence Program for the purpose of setting forth new budgeting procedures that will allow an applicant for the Family Independence Program to be given a deduction for monthly Child Care expenses prior to the determination of eligibility for Family Independence. The areas in which new regulations will be amended include the following: (a) deduction of Child Care expenses, not to exceed three consecutive months, prior to determination of gross income eligibility; and (b) use of a standardized Child Care deduction.

A Notice of Drafting for the proposed amendments was published in the State Register on August 24, 2001. No comments were received.

### Section-by-Section Discussion

Section Citation:      Explanation of Change:

114-1140. N	When an individual applies for Family Independence benefits, a child care deduction of \$ 200. per month, per dependent child under age 12, will be deducted from income prior to eligibility determination. The family must incur a child care expense to be eligible for this deduction and this deduction cannot exceed three consecutive months.
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114-1150. A        The Department will exclude any child care deduction prior to calculating the gross income test when determining eligibility for the Family Independence Program.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted on December 28, 2001, at 9:30 a.m. at the Administrative Law Judge Division, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, SC. Written comments may be directed to Ms. Gwen G. Kuhns, Director, Office of Family Independence, South Carolina Department of Social Services, Post Office Box 1520, Columbia, SC, 29202-1520, no later than 5:00 p.m., on Monday, December 24, 2001.

**Preliminary Fiscal Impact Statement:**

There may be an additional costs incurred by the State or its political subdivisions due to a small increase in the number of Family Independence case approvals.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION

Purpose: To assist applicants gain eligibility to the Family Independence Program by allowing a deduction for child care expenses prior to determining eligibility.

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

Plan for Implementation: Implementation will begin upon the publishing of policy changes and procedural criteria in the Department’s Family Independence Policy Manual.

DETERMINATION OF COSTS AND BENEFITS: Using historical data, there may be an increase in monthly application approvals of three tenths of one percent above the average approval rate. This is based on a 50% approval rate of cases historically denied due to excess income when having children under the age of 12.

UNCERTAINTIES OF ESTIMATES: Estimates concerning this regulation vary from an increase in approved applications of between three tenths and eight tenths of one percent.

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

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

**Text**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.



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Filed: November 6, 2001, 12:30 pm

Document No.2693  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61

Statutory Authority: S.C. Code Sections 1-23-130, 47-20-10 *et seq.*,  
48-1-10 *et seq.*, and 1996 Act No. 460

### Emergency Situation:

South Carolina Department of Health and Environmental Control  
Refiling of Emergency Regulation on Swine Facilities with  
1,000,000 Pounds or More of Normal Production Animal Live Weight at Any One Time  
Statement of Situation Requiring Refiling of Emergency Regulation

On April 23, 2001, Governor Jim Hodges issued Executive Order No. 2001-11 which declared a State of Emergency due to the threat of a disaster within the State due to additional larger swine facilities proposing to locate in South Carolina. The Executive Order also ordered the ABoard of Health and Environmental Control to meet at the earliest possible time to consider an administrative moratorium on the issuance of permits for swine facilities, lagoons and associated waste management plans or other appropriate action that will allow sufficient time for exploration of and analysis of the issues associated with the handling, storage, treatment and final disposal or utilization of wastes created by these facilities.≡

The Board of Health and Environmental Control, as directed by the Governor, met and imposed a moratorium on issuance of permits for swine facilities until August 9, 2001. When the moratorium expired, the emergency situation declared by the Governor in his executive order still existed, requiring other actions to be taken by the Department. While the Department is proposing revisions to S.C. Regulation 61-43, Standards for the Permitting of Agricultural Animal Facilities, that will address the emergency declared in the Governor=s Executive Order, interim regulations are necessary to provide adequate controls until Regulation 61-43 can be permanently amended, anticipated to take place by approximately June 1, 2002. The time period between the moratorium expiration date and probable legislative approval of the proposed regulation includes hurricane season. Therefore, the Department must take other action to ensure a disaster does not occur between August 9, 2001, and the legislative approval date of the proposed amendments to S.C. Regulation 61-43, and an extension is needed to continue the emergency regulation in effect until the 2002 Legislative Session.

The emergency regulation continues to be a reasonable means for the Department of Health and Environmental Control to comply with Governor Jim Hodges= Executive Order. The regulation does not create a new permit, but ensures that appropriate requirements are applied to swine facilities permitted for 1,000,000 pounds or more of normal production animal weight at any one time until Regulation 61-43 can be permanently amended.

The Department is the health and environment agency of South Carolina and hereby finds that the abnormal and unusual conditions, immediate need, and the State=s best interest require extension of the emergency regulation to protect public health, to protect the environment, and to protect the quality of life in South Carolina. A Statement of Need and Reasonableness is attached as Attachment A. The following emergency regulation is hereby refiled pursuant to S.C. Code Ann. Section 1-23-130 (Supp. 2000).

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.

**Filed: October 17, 2001, 8:30 am**

Document No. 2689  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF DENTISTRY**  
 CHAPTER 39

Statutory Authority: 1976 Code Sections 40-15-40, 40-15-80 and 40-15-85.

**Emergency Situation:**

The State Board of Dentistry has determined that, in order to protect the dental health of patients in this State, it is necessary to clarify the type of authorization of the procedures to be performed pursuant to Section 40-15-85(B), which relates to the general supervision of dental hygienists practicing in school settings, hospitals, and other facilities and institutions, pursuant to Sections 40-15-80(B) and (C). The Board believes that the phrase, "authorized the procedures to be performed" used in Section 40-15-85(B), requires the dentist to perform a clinical examination of the patient and determine the need for any specific treatment, and issue a written work order for the procedure(s) to be performed by the dental hygienist under general supervision. The State Board has determined that the public health requires immediate promulgation of this regulation. The Board has received initial complaints of professional misconduct and has determined that without this regulation, dental hygienists are in a position to apply topical fluoride and perform the application of sealants and oral prophylaxis before a proper diagnosis of cavities and other serious dental health conditions have been properly assessed by a dentist.

**Statement of Need and Reasonableness:**

The need for immediate action is required in order to protect patients in this State from further injury resulting from the performance of procedures by dental hygienists without prior examination and determination by a licensed dentist as to the necessity and appropriateness of any specific treatment. The Board is aware of specific allegations of substandard care in similar situations that indicate the need for immediate promulgation, regardless of whether or not such allegations might ultimately be found true in particular instances.

**DESCRIPTION OF REGULATION:**

**Purpose:** The purpose of this regulation is to further define the term "authorized the procedures to be performed" used in Section 40-15-85(B) as it relates to the general supervision of dental hygienists practicing in school settings, hospitals, and other facilities and institutions, pursuant to Sections 40-15-80(B) and (C). "Authorized the procedures to be performed" requires the dentist to perform a clinical examination of the patient and determine the need for any specific treatment, and issue a written work order for the procedure(s) to be performed by the dental hygienist under general supervision.

**Legal Authority:** 1976 Code Title 40, Chapter 15, Section 40; Title 40, Chapter 15, Section 80; Title 40, Chapter 15, Section 85.

**Plan for Implementation:** Administratively, the Board will notify all licensees through written and oral communication and by the promulgation of a permanent regulation in accordance with the S.C. Administrative Procedures Act.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:** The need to immediately establish this provision is to protect patients in this State from further injury resulting from the performance of procedures by dental hygienists without prior examination and determination by a licensed dentist as to the necessity and appropriateness of any specific treatment. The Board is aware of specific allegations of substandard care in

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similar situations that indicate the need for immediate promulgation, regardless of whether or not such allegations might ultimately be found true in particular instances.

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

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

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** This regulation will have no effect on the environment. The public health of this State will be improved by clarifying the circumstances under which dentists may authorize certain procedures to be performed by dental hygienists in this State.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** This regulation will have no detrimental effect on the environment. The public health of this State will be adversely affected if the regulation is not implemented due to continued ambiguity in the circumstances under which dentists may authorize certain procedures to be performed by dental hygienists in this State.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net) If you do not have access to the Internet, the text may be obtained from the promulgating agency.