

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

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

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 the 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.

2002 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are 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.

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 refiled for one additional ninety-day period.

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

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2610		In Car Camera Videotaping Equipment	1-23-03	Department of Public Safety
2629		Specific Project Stds for Tidelands & Coastal Waters	1-31-03	Department of Health and Envir Control
2663		Bonds for Water and Wastewater Utilities	2-09-03	Public Service Commission
2711		Foster Care	2-17-03	Department of Social Services
2726		School Incentive Reward Program	2-23-03	Board of Education
2709		Nonpublic Postsecondary Institutions	2-25-03	Commission on Higher Education
2712		Residential Group Care Organizations for Children	3-30-03	Department of Social Services
2729		Fees	4-02-03	LLR: Board of Pharmacy
2731		Diseases and Health documentation	4-15-03	Clemson University
2727		Witchweed Quarantine	4-15-03	Clemson University
2733		Examination	4-21-03	LLR: Board of Chiropractic Examiners
2732		Advertising and Solicitation	4-21-03	LLR: Board of Chiropractic Examiners
2730		Criminal Justice Academy Training Regulations	5-06-03	Department of Public Safety
2728		Transfer of Duties and Responsibilities	5-23-03	LLR: Board for Barrier Free Design
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2739		Professional Practices	5-23-03	LLR: Board of Chiropractic Examiners
2718		Certification of Need for Health Facilities and Services	5-23-03	Department of Health and Envir Control
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2750		Partnerships Among the Schools, Parents, Comm. Business	5-23-03	Board of Education
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2746		Basic Skills Assessment Programs-Kindergarten Objectives	5-23-03	Board of Education
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2748		Minimum Standards for the Determination of Readiness	5-23-03	Board of Education
2744		Intervention Where Quality of Educ Local Sch Dist is Impaired	5-23-03	Board of Education

REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY

RESOLUTION INTRODUCED TO DISAPPROVE (120 DAY REVIEW PERIOD TOLLED)

DOC No.	DATE	SUBJECT	AGENCY

WITHDRAWN:

DOC No.	DATE	SUBJECT	AGENCY
2360	8 16 02	LIFE Scholarship	1-15-03 Commission on Higher Education

2 EXECUTIVE ORDERS

2002-31

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, in previous years, state government employees have been granted three consecutive days off during the Christmas holiday season; and

WHEREAS, I encourage all State employees to celebrate the holiday season by spending time with family members and loved ones and to reflect on the blessings of the past year and look forward to the advent of a New Year.

NOW, THEREFORE, pursuant to Section 53-5-20 of the South Carolina Code of Laws, I hereby declare Tuesday, December 24, 2002, 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
25TH DAY OF OCTOBER 2002.**

JIM HODGES
Governor

2002-32

WHEREAS, Tropical Storm Kyle struck the eastern portion of South Carolina on October 11, 2002, resulting in tornadoes and significant flooding in many areas of the state; and

WHEREAS, the resulting tornadoes and flooding caused significant property loss and damage in many areas of Clarendon, Georgetown, Berkeley, Calhoun, Charleston, Florence, Horry, Marion, Orangeburg, Sumter, and Williamsburg Counties; and

WHEREAS, in the aftermath of the storm there remains in the affected areas a continuing and urgent need to provide clean-up, relief, and recovery assistance to victims; and

WHEREAS, the United States Small Business Administration has declared Clarendon, Georgetown, Berkeley, Calhoun, Charleston, Florence, Horry, Marion, Orangeburg, Sumter, and Williamsburg Counties a disaster area and has established a disaster assistance program for those who incurred damages from Tropical Storm Kyle.

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby order and declare that a State of Emergency exists in the Counties of Clarendon, Berkeley, Calhoun, Charleston, Florence, Horry, Marion, Orangeburg, Sumter, and Williamsburg. I further direct that state agencies, boards and commissions respond within their capabilities to assist in the recovery from the disaster in these designated counties.

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
25TH DAY OF OCTOBER 2002.**

**JIM HODGES
Governor**

2002-33

WHEREAS, in the general election held on November 5, 2002, the electronic voting system in Marion County was programmed incorrectly, resulting in unintentional irregularities affecting the municipal general election for the Town of Nichols; and

WHEREAS, because of such irregularities, the Marion County Voter Registration and Election Commission, competent authority, declared void the municipal general elections for the Town of Nichols conducted on November 5, 2002; and

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

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides “when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to ensure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election, and to declare the result.”

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

- a. Order that a municipal election be held in the Town of Nichols, South Carolina, for such offices as are due to be filled as provided by law, on December 3, 2002, or at the earliest possible date and time after December 3, 2002, as is permitted by the United States Department of Justice; and
- b. Designate the Marion County Voter Registration and Election Commission municipal election commission to perform the necessary official duties pertaining to the election, and to declare the result; and

4 EXECUTIVE ORDERS

- c. Direct the Marion County Voter Registration and Election Commission to take all necessary steps to ensure that the list of registered voters is as accurate as possible and that electronic voting system is programmed appropriately.

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 7th DAY OF
NOVEMBER, 2002.**

**JIM HODGES
GOVERNOR**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication November 22, 2002, 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 Aiken County

Purchase of the assets of The Imaging Center of Aiken which includes a CT, MRI and other imaging modalities.
Aiken Regional Medical Center
Aiken, South Carolina
Project Cost: \$3,270,000

Affecting Beaufort County

Replacement of the existing Magnetic Resonance Imaging (MRI) unit with a 1.5 Tesla MRI and usage of a mobile unit during the interim.
Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$1,435,000

Affecting Charleston County

Renovation and expansion for the addition of an Angiography/Special Procedures unit.
Trident Medical Center
Charleston, South Carolina
Project Cost: \$1,496,216

Affecting Florence County

Renovation for the addition of a second angiography unit.
McLeod Regional Medical Center of the Pee Dee, Inc.
Florence, South Carolina
Project Cost: \$1,545,000

Relocation and replacement of the existing Magnetic Resonance Imaging (MRI) system.
Open MRI and Imaging of Florence, LLC.
Florence, South Carolina
Project Cost: \$1,970,455

Affecting Greenville County

Conversion of fifteen (15) long term psychiatric beds to fifteen (15) psychiatric acute care beds, for a total of 68 Residential Treatment Facility (RTF) beds for children and adolescents, 5 long term psychiatric beds and 15 psychiatric acute care beds.
SpringBrook Behavioral Health System
Travelers Rest, South Carolina
Project cost: \$-0-

6 NOTICES

Affecting Lancaster County

Construction of a freestanding ambulatory surgery center with three (3) operating rooms and two (2) endoscopy rooms.

Springs Memorial Hospital
Lancaster, South Carolina
Project Cost: \$5,990,710

Conversion of ten (10) substance abuse beds to ten (10) acute care beds for a total of 145 acute care beds, 35 substance abuse beds and 14 nursing home beds.

Springs Memorial Hospital
Lancaster, South Carolina
Project Cost: \$1,750,400

Affecting Oconee County

Replacement of the existing 0.2 Tesla Magnetic Resonance Imaging (MRI) unit with a 0.23 Tesla open MRI.

Mountainview Medical Imaging
Seneca, South Carolina
Project Cost: \$751,067

Affecting Richland County

Transfer of assets of the Gamma Knife from Palmetto Health Alliance to HEALTHSOUTH Palmetto Richland Gamma Knife LLC d/b/a Gamma Knife of the Carolinas.

HEALTHSOUTH Palmetto Richland Gamma Knife LLC
Columbia, South Carolina
Project Cost: \$3,113,283

Affecting Spartanburg County

Development of a radiation oncology center with a linear accelerator on the campus of Mary Black Hospital.

Cancer Centers of the Carolinas
Spartanburg, South Carolina
Project Cost: \$4,058,581

Expansion of the main campus through the construction of a 6-story building that will house a new emergency department on the first floor, with additional floors to be shelled for future expansion of other clinical areas.

Spartanburg Regional Medical Center
Spartanburg, South Carolina
Project Cost: \$47,000,000

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 22, 2002. "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

Construction of a seventy-two (72) bed Women and Children's Hospital on the AnMed Health campus with the transfer of existing licensed beds, which will result in 423 general acute care beds, 38 psychiatric beds and 12 nursing home beds remaining at Anderson Area Medical Center.

Anderson Area Medical Center
Anderson, South Carolina
Project Cost: \$71,295,897

Affecting Beaufort County

Replacement of the existing Magnetic Resonance Imaging (MRI) unit with a 1.5 Tesla MRI and usage of a mobile unit during the interim.

Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$1,435,000

Affecting Calhoun & Orangeburg Counties

Relocation of the Healthplex Outpatient PT and Wellness Center into a new building and consolidation of all rehabilitation services.

The Regional Medical Center of Orangeburg & Calhoun Counties
Orangeburg, South Carolina
Project Cost: \$2,222,131

Affecting Colleton County

Conversion of fifteen (15) nursing home beds to fifteen (15) general acute care beds for a total of 131 general acute care hospital beds.

Colleton Medical Center
Walterboro, South Carolina
Project Cost: \$-0-

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF CANCELLATION OF PUBLIC HEARING FOR R.61-69, CLASSIFIED WATERS State Register Document No. 2743

The Department of Health and Environmental Control issued a Notice of Proposed Regulation for revision of R.61-69, Classified Waters, in the June 28, 2002 issue, of the *State Register*, identified as Document No. 2743. Initially, the Department was asked to evaluate whether an existing site-specific standard for dissolved oxygen (DO) currently established for the Saluda River (Main Stem) from the Lake Murray Dam to the confluence with the Broad River [which is classified as Trout Put, Grow, and Take (TPGT)] was supporting the established use. The Department found it had no rationale to sustain the site-specific dissolved oxygen standard for the lower Saluda River and so, the Department proposed to allow the scientifically-defensible dissolved oxygen standard for the class of TPGT to become the standard for the waterbody. The Notice originally scheduled a Public Hearing before the DHEC Board on September 12, 2002. On August 23, 2002, the Department noticed a rescheduling of the public hearing for November 14, 2002, in order to provide further review of a September 30, 2002 study plan for an alternative site-specific DO standard which was submitted to the Department. On October 9, 2002, the Department provided an opportunity for the public to be presented with an overview of the study plan at a meeting held in Peoples Auditorium, 2600 Bull Street, Columbia, South Carolina. In order to provide for adequate review of the study plan and any additional comments received, on

8 NOTICES

October 23, 2002, the Department noticed a rescheduling of the Public Hearing before the DHEC Board to December 12, 2002.

After careful consideration, the Department has made the decision to cancel the December 12, 2002 Public Hearing and to allow a study to be conducted for the purposes of presenting to the Department an alternative scientifically-defensible site-specific DO standard for the lower Saluda River. The Department is canceling State Register Document 2743 and will be restarting the statutory process to amend R.61-69 to revise the site-specific DO standard in 2003 by placing a Notice of Drafting for this specific issue in the *State Register*.

All comments on this issue already received by the Department in its drafting period and official comment periods shall be retained in the Department's files and will become a part of the official record when the next Notice of Drafting is issued. All comments will be considered in the drafting and proposing of the revision to the DO standard for the lower Saluda River and shall be submitted to the Board for consideration at the Public Hearing in a Summary of Public Comments and Departmental Responses.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #02-513-GP-N
November 22, 2002

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) "Concrete Batch Plants." This general permit was previously open 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)&(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 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in their General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

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.

Greenville County

Hardaway Concrete Company, Inc. (Piedmont)
 265 Pine Drive
 Piedmont, South Carolina
 (Permit No. GCM04-9900-0336)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
 Public Notice #02-512-GP-N
 November 22, 2002

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-02) "Fuel Combustion Operations." This general permit was previously open for a thirty (30) day public comment period on December 28, 2000, with final issuance on August 1, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

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

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

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.

Beaufort County

Resort Services, Inc.
 336 Buck Island Road
 Bluffton, South Carolina
 (Permit No. GCM02-0360-0046)

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

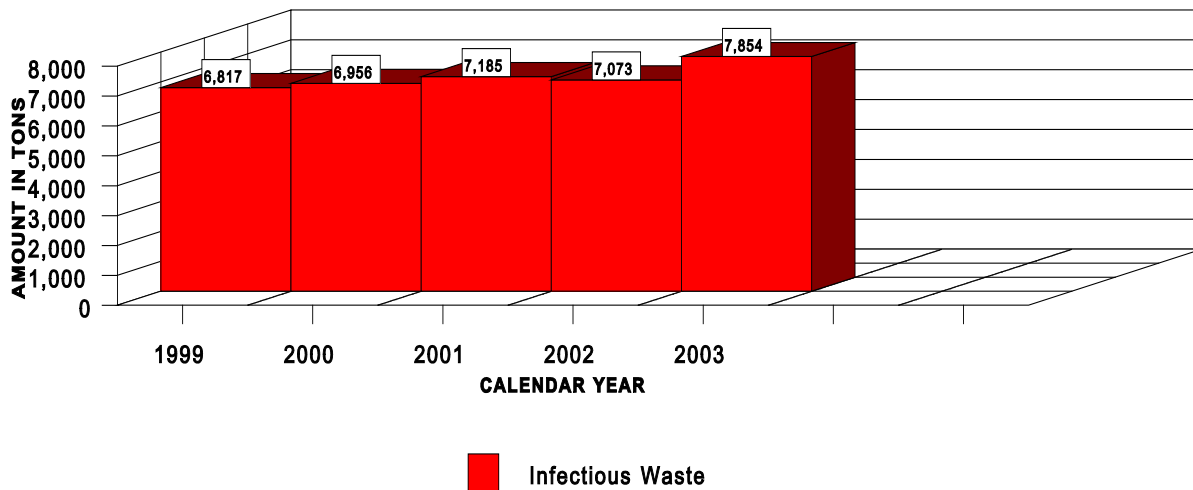
Section 44-93-210, Act Number 134 of 1989, as amended, the Infectious Waste Management Act, requires that beginning November 1, 1990, and annually thereafter, the Department

"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 2003 is 7,854.12 tons or 654.51 tons per month. Please note this is only an estimate based upon the information available to the Department as of October 10, 2002. 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.

INFECTIOUS WASTE GENERATED

IN SOUTH CAROLINA



DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #02-511-GP-N
November 22, 2002

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-01) "Textile Greige Operations." This general permit was previously open for a thirty (30) day public comment period on December 28, 2000, with final issuance on August 1, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

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

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

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.

Cherokee County

Springfield, LLC (Limestone Plant)
1206 Cherokee Avenue
Gaffney, South Carolina
(Permit No. GCM01-0600-0014)

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

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comments regarding the companies and individuals listed below, please submit your comments in writing, no later than December 29, 2002 to:

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

Delta Environmental Consultants – Charlotte
Hinkle Contracting Corporation

Class II

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-5-60 (Supp. 2001) and No Child Left Behind, 20 USC 7912

Notice of Drafting:

The State Department of Education proposed to draft new regulations regarding unsafe school options for students and also criteria to determine "persistently dangerous schools" as required by new federal No Child Left Behind Act of 2001, 20 USC 7912. Interested persons may submit comments to Lynne Rogers, Director, Office of Safe Schools and Youth Services, Rutledge Building, Room 606A, 1429 Senate Street, Columbia, South Carolina 29201. Comments can also be sent by e-mail to lrogers@sde.state.sc.us. To be considered, comments must be received no later than 5:00 P.M., December 6, 2002, close of the drafting comment period.

Synopsis:

Under the No Child Left Behind Act of 2001, states receiving funds shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who become a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

Legislative review of this proposal will not be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards*. Interested persons are invited to present their views in writing to Thomas J. Flynn, III, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by December 23, 2002, 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, 2002, through December 31, 2002. The Department may also propose typographical corrections and clarifications to R.61-62 as necessary.

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

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62.1, *Definitions and General Requirements*, of the Air Pollution Control Regulations and Standards, R.61-62. Interested persons may submit their views by writing to Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on December 23, 2002, the close of the drafting period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgated a final rule referred to as the Consolidated Emissions Reporting Rule (CERR) in the *Federal Register* on June 10, 2002 [67 FR 39602]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), EPA has long required State Implementation Plans (SIPs) to provide for the submission by states to EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors. The purpose of the CERR is to simplify emissions reporting, establish new reporting requirements for PM_{2.5} (fine particulate matter) and NH₃ (ammonia), and establish new requirements for the statewide reporting of area source and mobile source emissions. The rule will also reduce the reporting burden by reducing the frequency of reporting for some pollutants.

The Department proposes to amend R.61-62.1, *Definitions and General Requirements* to make the necessary revisions to be consistent with the new federal emissions reporting requirements. The Department is also proposing to revise the regulation to facilitate the collection of air toxics data and may consider other amendments related to emissions reporting requirements as determined to be necessary.

Legislative review will be required.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Section 56-10-640

Notice of Drafting:

The South Carolina Department of Insurance is adopting regulations governing the Motorist Insurance Identification Database pursuant to Section 56-10-640. Interested parties should submit their comments in writing to Mr. Dean Kruger, Chief Casualty Actuary, South Carolina Department of Insurance, P.O. Box 100105, Columbia, SC 29202

Synopsis

The proposed regulations will establish procedures for administering the Department's responsibilities under the Motorist Insurance Identification Database Program Act.

DEPARTMENT OF INSURANCE
CHAPTER 69
 Statutory Authority: 1976 Code Section 38-79-430

Notice of Drafting:

The Board of Governors of the South Carolina Patients' Compensation Fund proposes to Regulation 69-65, South Carolina Patients' Compensation Fund. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, S.C. Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than 5:00 p.m., December 2, 2002.

Synopsis:

The Board of Governors of the South Carolina Patients' Compensation Fund (Board) proposes to add Regulation 69-65, South Carolina Patients' Compensation Fund (Fund). This regulation will address the purpose and powers of the Fund; indemnification for Board members; audit authority and requirements; conflicts of interest and appeals.

The proposed regulation will require legislative review.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTORS' LICENSING BOARD
CHAPTER 29

Statutory Authority: 1976 Code Section 40-11-60

Notice of Drafting:

The Contractors' Licensing Board is considering proposing amendments to Chapter 29 to make typographical corrections in the existing regulation to certain classification designations. Written comments may be submitted to Ron Galloway, Board Administrator, at P.O. Box 11329, 110 Centerview Drive, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments is to make typographical corrections in the existing regulation to certain classification designations.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTORS' LICENSING BOARD
CHAPTER 29

Statutory Authority: 1976 Code Section 40-79-60 and 40-79-70(5).

Notice of Drafting:

The South Carolina Alarm System Business Act was amended in Act No. A367 in 2000. At that time, regulatory requirements were included in the statute. Therefore, the SC Contractors' Licensing Board proposes to repeal the regulations as obsolete and unnecessary. Written comments may be submitted to Ron Galloway, Board Administrator, at P.O. Box 11329, 110 Centerview Drive, Columbia, South Carolina, 29211-1329.

Synopsis:

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The purpose of this action is to repeal regulations that are no longer necessary.

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

Statutory Authority: 1976 Code Section 41-18-120

Notice of Drafting:

The Office of Elevator and Amusement Ride Safety is considering proposing amendments to Chapter 71. The amendments would reduce the annual permit inspection fee and establish amusement ride special inspectors liability insurance requirements. The amendments would prohibit special inspectors from unauthorized disclosure of information obtained through inspections, establish penalties for such unauthorized disclosure, and add types of inspections and paperwork required from special inspectors. Written comments can be submitted to Jerry Butler, Office Administrator, Department of Labor, Licensing and Regulation, at P.O. Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments is to standardize the annual permit fee structure and to make requirements for special inspectors of amusement rides and special inspectors of elevators more consistent. Requirements for annual permit fees and liability insurance for special inspectors will be added.

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

Statutory Authority: 1976 Code Section 41-16-40 and 41-16-70

Notice of Drafting:

The Office of Elevator and Amusement Ride Safety is considering proposing amendments to Chapter 71 to update and clarify the regulation. The amendments would also include the reduction of frequency in routine inspections for certain specialized facilities as well as amendment of the inspection fee schedule. Written comments can be submitted to Jerry Butler, Office Administrator, Department of Labor, Licensing and Regulation, at P.O. Box 11329, Columbia, South Carolina, 29211-1329.

Synopsis:

The purpose of the amendments is to remove outdated language, clarify current language and add reduction of frequency in routine inspections for specialized facilities and amend the inspection fee schedule.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations by adopting the National Explosives Standards, and by updating the current standards to incorporate current policies for explosives and blasting investigations and administration of the program. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203. To be considered, comments must be received no later than 5:00 p.m. on December 27, 2002, the close of the drafting comment period.

Synopsis:

The Department proposes to revise existing regulations by adopting the National Explosives Standards and by updating current policies for program administration and investigation of potential violations of law.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 23-9-60 and 23-35-140

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations by adopting a national consensus standard for the safety of the public and public fireworks display operators. It also removes language that refers to Common/Class "C" fireworks and Special/Class "B" fireworks, which are no longer used by the U.S. Dept. of Transportation and will be define these fireworks using the current U.S. Dept. of Transportation. classifications. Additional organizational revisions will be proposed to bring the Subarticles enforced by the State Fire Marshal's Office to a standard format and to set a fee schedule for operator licenses, testing and display permits. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing & Regulation, 141 Monticello Trail, Columbia, SC 29203. To be considered, comments must be received no later than 5:00 p.m. on December 27, 2002, the close of the drafting comment period.

Synopsis:

The Department proposes to revise existing regulations to simplify compliance for Public Fireworks Display operators by using a national standard and a clearer state regulation format. This format will assist operator and local fire departments with compliance.

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**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 23-9-60, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to revise existing regulations for the construction, location, protection, and maintenance of tents, grandstands, bleachers, and air supported structures. The revised regulation will provide reasonable safety and protection to the public from the hazards of fire, storm, collapse, and crowd egress. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing and Regulation, 141 Monticello Trail, Columbia, SC 29203. To be considered, comments must be received no later than 5:00 p.m. on December 27, 2002, the close of the drafting comment period.

Synopsis:

The Department proposes to revise existing regulations for the construction, location, protection and maintenance of tents, grandstands, bleachers, and membrane structures to clarify the public safety purpose of the regulation by providing reasonable safety and protection to the public from the hazards of fire, storm, collapse, and crowd egress. To provide additional clarity, the regulation will be itemized and the term "Air supported" will be replaced with "Membrane" throughout the regulation.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Section 23-35-45, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes that existing regulations be revised that governs the use of proximate audience pyrotechnics. By using current National Fire Protection Association standards, the revised regulation will conform compliance procedures for Proximate Audience Pyrotechnics operators. The regulation will divide requirements into an itemized list and remove unused licensing categories. Interested persons may submit comments to Robert O. Polk, State Fire Marshal, South Carolina Department of Labor, Licensing & Regulation, 141 Monticello Trail, Columbia, SC 29203. To be considered, comments must be received no later than 5:00 p.m. on December 27, 2002, the close of the drafting comment period.

Synopsis:

The Department proposes to update the regulations by adopting the most recent edition of NFPA Standard 1126. At the same time, the Department will delete areas of state regulation that are now addressed by NFPA Standard 1126 and will reorganize the remaining state regulations to improve readability. The Department also proposes to introduce a licensure testing fee.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
LIQUEFIED PETROLEUM GAS BOARD**

CHAPTER 76

Statutory Authority: 1976 Code Section 40-82-70.

Notice of Drafting:

The Liquefied Petroleum Gas Board is proposing regulations to incorporate the most recent addition of NFPA 58, 2001 edition and to reflect the requirements of 1999 Act 128. Written comments may be submitted to Robert Polk, State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina, 29203.

Synopsis:

The purpose of the regulation is to incorporate the most recent addition of NFPA 58, 2001 edition and to reflect the requirements of 1999 Act 128.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS**

CHAPTER 93

Statutory Authority: 1976 Code Section 40-35-5, et. esq.

Notice of Drafting:

The Board of Long Term Health Care Administrators is considering proposing amendments to Chapter 93 to update and clarify the regulation. The amendments would also include an administrator-in-training program for community residential care facility administration. Written comments can be submitted to Dana Welborn, Board Administrator, at P.O. Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The purpose of the amendments is to remove out-dated language, clarify current language and add an administrator-in-training program for community residential care facility administration.

**DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123**

Statutory Authority: 1976 Code Section 50-11-2200

Notice of Drafting:

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

Synopsis:

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

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DEPARTMENT OF PUBLIC SAFETY HIGHWAY PATROL DIVISION CHAPTER 38

Statutory Authority: 1976 Code Sections 23-6-20 and 23-6-400 et seq.

Notice of Drafting:

The South Carolina Department of Public Safety is considering amending regulations relating to the Highway Patrol's Wrecker Rotation List. Interested parties should submit their comments in writing to Ms. Rachel Erwin, Office of Executive Affairs, 5410 Broad River Road, Columbia, South Carolina 29212.

Synopsis

The proposed amendments will revamp procedures for wreckers that wish to be added to the rotation list, revise the appeal/complaint process, and make other necessary changes.

DEPARTMENT OF PUBLIC SAFETY MOTOR VEHICLE DIVISION CHAPTER 38

Statutory Authority: 1976 Code Section 56-10-640

Notice of Drafting:

The South Carolina Department of Public Safety is adopting regulations governing the Motorist Insurance Identification Database pursuant to Section 56-10-640. Interested parties should submit their comments in writing to Ms. Rachel Erwin, Office of Executive Affairs, 5410 Broad River Road, Columbia, South Carolina 29212.

Synopsis

The proposed regulations will establish procedures for administering the Department's responsibilities under the Motorist Insurance Identification Database Program Act.

OFFICE OF STATE TREASURER CHAPTER 118

Statutory Authority: SC Code Section 59-4-30 (B)

Notice of Drafting:

The South Carolina Office of State Treasurer proposes to draft regulations regarding the implementation and administration of the South Carolina Tuition Prepayment Program. The regulations are necessary to comply with Title 59, Chapter 4 of the South Carolina Code, as amended, which establishes the South Carolina Tuition Prepayment Program as a program within the South Carolina Office of State Treasurer. Interested persons are invited to submit their views in writing to Paige Parsons, Senior Assistant State Treasurer, Office of State Treasurer, Post Office Box 11778, Columbia, South Carolina 29211.

Synopsis:

The proposed regulations provide for administration of the South Carolina Tuition Prepayment Program under the Office of State Treasurer, in compliance with Title 59, Chapter 4 of the SC Code of Laws, 1976. Through the Program, tuition associated with public post-secondary education may be paid in advance and fixed at a guaranteed level for up to four years of undergraduate enrollment. The proposed regulations replace similar regulations to be proposed for repeal by the South Carolina State Budget and Control Board as a result of the legislative transfer of the South Carolina Tuition Prepayment Program from the State Budget and Control Board to the Office of State Treasurer.

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Document No. 2805
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 38-1-20 (40); 38-3-110; 1-23-10, *et seq.*

69-64. Exempt Commercial Policies

Preamble:

Pursuant to S.C. Code Ann. Section 38-1-20 (40), the S.C. Department of Insurance is directed to promulgate a regulation defining “exempt commercial policies” for purposes of applying the statutory exceptions for approval of rates, classifications, rules or rating plans prior to use as set forth in S.C. Code Ann. Sections 38-73-340 and 38-73-520.

Preliminary Fiscal Impact Statement:

No additional state funding is requested.

Notice of Public Hearing:

The Administrative Law Judge Division will conduct a public hearing for the purpose of receiving oral comments on Monday, January 6, 2003 at 10:00 a.m. at 1205 Pendleton Street, Columbia, South Carolina. Interested parties should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, Post Office Box 100105, Columbia, South Carolina 29202-3105 on or before Monday, December 30, 2002.

Statement of Need and Reasonableness:

The Department of Insurance is proposing creating Regulation 69-64 in order to establish the definition of “exempt commercial policies” as provided by Section 38-1-20 (40) and referred to in Sections 38-73-340 and 38-73-520 and to explain the effect of the exemption.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2807
DEPARTMENT OF REVENUE
CHAPTER 7

Statutory Authority: 1976 Code Section 12-4-320 and 61-2-60

Regulations

Articles 1 through 5 of Chapter 7 of the SC Code of Regulations (SC Regulations 7-1 through 7-99)

Preamble:

The South Carolina Department of Revenue is considering repealing Articles 1 through 5 of Chapter 7 of the SC Code of Regulations (SC Regulations 7-1 through 7-99) and creating nineteen new regulations concerning the regulation of alcoholic beverages in new Articles 6, 7, 8, and 9 of Chapter 7 of the SC Code of Regulations. Under the proposal, alcoholic beverage regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, most

regulations would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning the requirements for a retail location licensed to sell minibottles for on-premise consumption can be found in one regulation under Regulation 7-401. This regulation has several “subsections” numbered 117-401.1, 117-402.2, and so on. The project reduces the number of regulations from 60 to 19 This proposal also combines several regulations that dealt with the same subject matter for each type of alcoholic beverage (liquor, beer or wine) and placed this single regulation in a “General Provisions” article. For example, the proposal combines all regulations concerning applications for permits and licenses into one regulation applicable to liquor licenses and beer and wine permits. Regulation 7-200.1(D) and Regulation 7-701.5 of this proposal were changed to reflect recent legislation concerning the issuance of licenses and permits to publicly traded corporations and the increase in the alcoholic content of natural wine. Provisions prohibiting any inducements to purchase liquor, now found in Regulation 7-43, have been deleted to reflect recent legislation. In addition, Regulations 7-300.5, 7-400(D), 7-401.3(B)(2), and 7-404 of this proposal include longstanding Department policy regarding removal of liquor from a retail liquor store after closing, the definition of “luggage compartment,” the amount of refrigerated space in a kitchen, the requirement of having a stove in a kitchen and the disposal of empty or broken sealed minibottles. Requirements for the storage space in a retail liquor store, now found in SC Regulation 7-58, have been deleted as outdated.

This proposal organizes and numbers the regulations as follows:

<u>Regulation Number</u>	<u>Subject</u>
Article 6 General Provisions 7-200	General Provisions
Article 7 Alcoholic Liquors	
Subarticle 1 General Provisions Applicable to Alcoholic Liquors	
7-300	Purchases, Transfers and Deliveries to and from Retail Locations
7-301	Restrictions
<u>Regulation Number</u>	<u>Subject (continued)</u>
7-302	Underage Violations
7-303	Measurements from Location to School, Church or Playground
Subarticle 2 Minibottles	
7-400	Definitions
7-401	Requirements for Premises
7-402	Purchases of Minibottles
7-403	Private Functions
7-404	Destruction of Two-Ounce Container
Subarticle 3 Retail Liquor Stores	
7-500	Requirements of Premises
7-501	Open Containers of Wine as well as Alcoholic Liquors in Retail Liquor Stores
Subarticle 4 Food Preparation License	
7-600	Definitions

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7-601	Storage and Inventory
7-602	Violations
Article 8 Beer and Wine	
7-700	Definition of Licensed Premises 7-701
	Restrictions on Sales
7-702	Purchases, Transfers and Deliveries to and from Retail Locations
Article 9 Hospitality Cabinets in Hotel Rooms	
7-800	Hospitality Cabinets

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2808
DEPARTMENT OF REVENUE
CHAPTER 7

Statutory Authority: 1976 Code Section 12-4-320 and 61-2-60

Regulations

7-201 Requirements for Protesting Beer and Wine Permits or Alcoholic Liquor Licenses

Preamble:

The South Carolina Department of Revenue is considering adding a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest.

Discussion

The South Carolina Department of Revenue is considering adding a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The proposed regulation will be:

7-201 Requirements for Protesting Beer and Wine Permits or Alcoholic Liquor Licenses

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 15, 2003 at 2:00 p.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 add a regulation concerning the requirements for protesting the issuance or renewal of a beer or wine permit or an

alcoholic liquor license (retail liquor store and sale and consumption), including, but not limited to, the information a protest must contain and what constitutes a timely protest. 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 is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by December 23, 2002:

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

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposal.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to add a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.

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 add a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.

2. The proposal to add a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses is needed to assist taxpayers in understanding the requirement for protesting the issuance or renewal of a license or permit. The proposal to add a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses 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 add a regulation concerning the requirements for protesting the issuance or renewal of a beer or wine permits or alcoholic liquor licenses is needed to assist taxpayers in understanding the requirement for protesting the issuance or renewal of a license or permit This regulation 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. All individuals would be similarly treated by these provisions.

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

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2809
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1)

Preamble:

The South Carolina Department of Revenue is considering repealing Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and creating fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized. Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation.

Discussion

The South Carolina Department of Revenue is considering repealing Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and creating fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning the taxable income calculation for military personnel, military retirees, and their families can be found in one regulation under Regulation 117-640. This regulation has several "subsections" numbered 117-640.1, 117-640.2, and so on. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized:

Article 12 - Income Tax

- Subarticle 1 – Adoption of Internal Revenue Code
- Subarticle 5 – Tax Rates and Imposition
- Subarticle 9 – Taxable Income Calculations
- Subarticle 13 – Nonresident and Part Year Resident Individuals
- Subarticle 17 – Allocation and Apportionment
- Subarticle 21 – Foreign Trade Receipts
- Subarticle 25 – Credits
- Subarticle 29 – Estimated Tax Payments
- Subarticle 33 – Tax Years, Accounting Methods, and S Corporation Elections
- Subarticle 37 – Tax Returns
- Subarticle 41 – Miscellaneous Provisions

Article 18 – Withholding

- Subarticle 1 – Definitions
- Subarticle 5 – Withholding Required
- Subarticle 9 – Procedure for Withholding on Wages
- Subarticle 13 – Depositing and Filing Returns in Connection with Withholding
- Subarticle 17 – Enforcement and Administration Provisions

Article 20 - Corporate License Fee and Annual Reports

Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation.

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 (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for January 7, 2003 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 Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and create fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized. Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information

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using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation. The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. Section 1-23-111 (2000), to issue a report that this proposal is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by December 23, 2002:

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

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to combine regulations. Regulations concerning one subject matter will be located under one regulation code. The reorganization and renumbering of the affected regulations are needed to reduce taxpayer confusion and save taxpayer time. Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation.

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 Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and create fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized. Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for

submitting tax information using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.

2. The proposal to repeal Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and create fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports) is needed to organize the regulations to allow taxpayers to find all “regulations” on one subject matter in one place. This will reduce any taxpayer confusion that may result from having many regulations on a single subject matter. The proposal to re-organize these regulations is also reasonable in that it is the department’s responsibility to maintain regulations in an orderly manner.

3. This proposal to re-organize these regulations will benefit taxpayers because it will reduce any taxpayer confusion by simplifying a taxpayer’s search for information on a particular subject matter. This 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. All individuals would be similarly treated by these provisions.

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

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

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Filed: November 12, 2002, 8:43 am

Document No. 2806
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on these areas extends to January 1 it is necessary to re-file these emergency regulations.

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(G) Francis Marion National Forest

Hellhole WMA

Deer

Still Gun Hunts	Mon. – Sat. of the 4 th , 5 th , 6 th And 7 th Wambaw dog drives	2 deer per day, either-sex. Hogs no limit.
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Delete Hog Hunts Hellhole only	Sat. only in Feb.	No limit
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Waterhorn WMA

Deer

Still Gun Hunts	Fri. and Sat. of 1 st and 2 nd Wambaw Dog Drive Hunt;	2 deer per day, buck only,
	Mon.-Sat. weeks of 1 st , 4 th , 5 th and 6 th Santee Dog Drive Hunt.	2 deer per day, buck only, except either-sex beginning Monday the weeks of the 5 th And 6 th Santee dog drive hunt through Sat. of those weeks. Hogs no limit.

Hog Hunts	Sat. only in Feb.	No limit.
Wambaw WMA		
Deer		
Dog Hunts (Shotguns only)	1 st Fri. and Sat. after Aug. 15; 2 nd Fri. and Sat. following the opening date the WMA and Fri.	deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat in Dec.
Still gun hunts only East of Hwy 17 . Rifles allowed.	and Sat. every 3 rd week thereafter Through Jan. 1.	
Seewee Special Use Area Archery (no dogs)	Sept. 1 – Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 – Jan. 1.
Northampton WMA		
Deer		
Dog Hunts (Shotguns only)	1 st Fri. and Sat. following the 2 nd Wambaw hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1 during scheduled periods using dogs to hunt deer or hogs.	2 deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat. in Dec.
Santee WMA		
Deer		
Dog Drive Hunts (Shotguns only)	1 st Fri. and Sat. following the 1 st Northampton hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1.	2 deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat. in Dec., hogs no limit.

Fiscal Impact Statement:

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