

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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

# SOUTH CAROLINA STATE REGISTER

PUBLISHED BY  
THE LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY

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

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

**Published September 26, 2003**

Volume 27 Issue No.9

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.

## **2003 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	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

## **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](http://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.

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

### *South Carolina State Register* Subscription Order Form

Name	Title
Firm	
Mailing Address	
Billing Address (if different from mailing address)	
Contact Person(s)	E-mail Address
Phone Number	Fax Number
Number of subscriptions: (Cost is \$95 per subscription. Checks payable to: Legislative Council)	
	Electronic
	Printed

Mail this form to:  
***South Carolina State Register***  
**Lynn P. Bartlett, Editor**  
**P.O. Box 11489**  
**Columbia, SC 29211**  
Telephone: **(803) 734-2145**

**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY**

Status and Legislative Review Expiration Dates .....1

**EXECUTIVE ORDERS**

No. 2003-21 Rescinding Executive Order 2003-02 (SLED’s Authority During Terrorist Alerts).....2  
No. 2003-22 Activating National Guard for Hurricane Isabel.....2

**NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**  
Certification of Need.....3  
Underground Storage Tanks .....6

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
**Building Codes Commission**  
Adoption of Building Codes .....6

**DRAFTING NOTICES**

**CONSUMER AFFAIRS, DEPARTMENT OF**  
Prescription Drug Discount Card Business.....8

**EDUCATION, DEPARTMENT OF**  
End-Of-Course Tests .....8  
Transfers and Withdrawals .....8

**INSURANCE, DEPARTMENT OF**  
Agents and Agency Licenses .....9  
Practice and Procedure for Hearings Before the Chief Insurance Commissioner .....9

**LABOR, LICENSING AND REGULATION, DEPARTMENT OF**  
**Division of Labor**  
Recording and Reporting of Occupational Injuries and Illnesses .....10

**SOCIAL SERVICES, DEPARTMENT OF**  
Fair Hearings, Complaints of Discrimination .....10

## TABLE OF CONTENTS

### PROPOSED REGULATIONS

#### EDUCATION, DEPARTMENT OF

Document No. 2851	Credential Classification.....	12
Document No. 2852	Nonprofessional/Paraprofessional Personnel Actions .....	14
Document No. 2853	Student Attendance.....	15

#### HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 2854	Classified Waters .....	18
Document No. 2859	Licensing Freestanding or Mobile Technology .....	22
Document No. 2857	Manufacture, Distribution and Sale of Frozen Dairy Foods and Frozen Desserts.....	25
Document No. 2856	Soft Drink Bottling Plants.....	33
Document No. 2855	Water Classifications and Standards.....	37
Document No. 2858	Water Pollution Control Permits.....	42

#### LABOR, LICENSING AND REGULATION, DEPARTMENT OF

##### Board of Medical Examiners

Document No. 2860	Requirements for Limited License .....	45
-------------------	----------------------------------------	----

### EMERGENCY REGULATIONS

#### NATURAL RESOURCES, DEPARTMENT OF

Document No. 2861	Dove Management Areas.....	48
Document No. 2862	Hunt Units and Wildlife Management Area Regulations (Croft State Park).....	54
Document No. 2863	Hunt Units and Wildlife Management Area Regulations (Game Zone 4, Broad River Waterfowl, Sand Hills State Forest).....	56
Document No. 2864	Hunt Units and Wildlife Management Area Regulations (Santee State Park).....	57
Document No. 2865	Chronic Wasting Disease Import Regulations .....	59
Document No. 2866	Non-Game and Endangered Species.....	60

### FINAL REGULATIONS

#### HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 2842	State Primary Drinking Water Regulations .....	64
-------------------	------------------------------------------------	----





# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date  
 The history, status, and full text of these regulations are available on the  
 South Carolina General Assembly Home Page: [www.sstatehouse.net](http://www.sstatehouse.net)

DOC No.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
2821		Highway Patrol Wrecker Regulations	2-09-04	Department Public Safety
2816		Environmental Protection Fees	2-29-04	Department Health and Envir Control
2810		Fees, Liability Insurance Requirements	2-29-04	LLR: Elevator and Amusement Rides
2824		Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2826		Machines	2-29-04	Department of Revenue
2815		Decisions on a permit, Environmental Protection Fees	2-29-04	Department of Health and Envir Control
2818		Elevator and Amusement Rides, Inspections	3-12-04	LLR: Elevator and Amusement Rides
2830		Subdivision Water Supply and Sewage Treatment/Disposal	3-22-04	Department of Health and Envir Control
2829		Residential Care Facility Administration	3-22-04	LLR: Board of Long Term Health Care Administrators
2828		Burglar Alarm Systems	3-22-04	LLR: Contractors' Licensing Board
2832		Business Enterprise Program	4-10-04	Commission for the Blind

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

DOC No.	DATE	SUBJECT	AGENCY
2729	2-04-03	Fees	4-02-03 LLR: Board of Pharmacy
2822	3-26-03	General-Food Stamp Program	6-26-03 Department Social Services

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

DOC No.	DATE	SUBJECT	AGENCY
2629	1-29-03	Specific Project Stds for Tidelands & Coastal Waters	1-31-03 Department of Health and Envir Control
2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03 Department of Health and Envir Control
2800	4-02-03	Environmental Protection Fees	5-20-03 Department of Health and Envir Control
2753	5-08-03	LIFE Scholarship Program	5-13-03 Commission on Higher Education

**WITHDRAWN:**

DOC No.	DATE	SUBJECT	AGENCY
2823	5-14-03	S C. Patients' Compensation Fund	7-03-03 Department of Insurance

## 2 EXECUTIVE ORDERS

### 2003-21

**WHEREAS**, on January 16, 2003, Executive Order 2003-02 was issued directing the South Carolina Law Enforcement Division (SLED) to be the operational authority and lead state agency in the counter-terrorism effort for the State; and

**WHEREAS**, on July 31, 2003, Act No. 90 (amending Section 23-3-15 of the South Carolina Code of Laws) became law and granted to SLED the specific and exclusive jurisdiction and authority over counter-terrorism efforts statewide, on behalf of the State; and

**WHEREAS**, Act No. 90 specifically provides that SLED shall establish and operate highly specialized tactical response law enforcement units; coordinate counter terrorism efforts, including prevention against, preparation for, response to, and crisis management of acts of terrorism, in or affecting this State; coordinate federal grants associated with homeland security; create councils appropriate to its mission; and serve as the Governor's representative to the United States Department of Homeland Security. Section 23-3-15 provides that SLED shall have specific and exclusive authority and jurisdiction statewide, on behalf of the State, to control emergency event management pertaining to explosive devices.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby rescind Executive Order 2003-02.

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 3rd DAY OF  
SEPTEMBER 2003.**

**MARK SANFORD**  
Governor

### 2003-22

**WHEREAS**, the National Hurricane Center has determined that the southeast coast of the United States is presently vulnerable to the effects of a powerful hurricane that continues to develop in the Atlantic Ocean; and

**WHEREAS**, I have been advised that Hurricane Isabel is advancing in a westerly direction and presents a threat to the safety, security, welfare and property of citizens and transients living in South Carolina

**NOW, THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I direct that the South Carolina National Guard be placed on a standby status and, at the discretion of the Adjutant General, in consultation with the Governor's Office, specified units or individuals of the National Guard be placed on state active duty to assist civil authorities and to take all reasonable precautions necessary for the preservation of life and property.

This Executive Order shall be effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 12th DAY OF  
SEPTEMBER 2003.**

**MARK SANFORD**  
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 September 26, 2003, 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 Abbeville County

Replace the current hospital with a new 28-bed acute care hospital with no change in services.

Abbeville County Memorial Hospital

Abbeville, South Carolina

Project Cost: \$14,350,537

Affecting Charleston County

Addition of four (4) rehabilitation beds to result in a total of forty-six (46) rehabilitation beds.

HEALTHSOUTH Rehabilitation Hospital of Charleston

Charleston, South Carolina

Project Cost: \$22,000

Affecting Fairfield County

Conversion of 17 substance abuse treatment beds to 17 general acute care beds resulting in a total licensed bed capacity of 50 acute care beds.

Fairfield Memorial Hospital

Winnsboro, South Carolina

Project Cost: \$-0-

Affecting Georgetown County

Transfer of 14 licensed acute care beds from Georgetown Memorial Hospital to Waccamaw Community Hospital for a total of 54 acute care beds and 29 rehabilitation beds at Waccamaw Community Hospital and 131 acute care beds at Georgetown Memorial Hospital.

Waccamaw Community Hospital

Murrells Inlet, South Carolina

Project Cost: \$20,000

Affecting Greenville County

Addition of one (1) operating room to the existing ambulatory surgery center to result in a total of three (3) operating rooms.

Jervey Eye Center, LLC

Greenville, South Carolina

Project Cost: \$733,109

Affecting Lancaster County

Construction of an ambulatory surgery center with two (2) operating rooms, two (2) endoscopy procedure (ORs) restricted to gastrointestinal procedures only and one (1) cystoscopy procedure (OR) room.

Carolina Surgery Center

Fort Mill, South Carolina

#### 4 NOTICES

Project Cost: \$6,740,350

Affecting Marlboro County

Construction of a 10 bed inpatient hospice facility

Hospice of Marlboro County, Inc.

Bennettsville, South Carolina

Project Cost: \$3,098,704

Affecting Richland County

Establishment of a radiation therapy treatment facility at the offices of South Carolina Oncology Associates, P.A. and transfer of ownership of six (6) linear accelerators (LAs) from Palmetto Health to NewCo [four (4) LAs remaining at Palmetto Health Richland and replacement and relocation of two (2) LAs from Palmetto Health Baptist to South Carolina Oncology Associates, P.A.]

NewCo

Columbia, South Carolina

Project Cost: \$4,762,442

Affecting Sumter County

Provide mobile Positron Emission Tomography (PET) Imaging Services for one (1) day per week.

Tuomey

Sumter, South Carolina

Project Cost: \$299,000

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 September 26, 2003. "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 Abbeville County

Replace the current hospital with a new 28-bed acute care hospital with no change in services.

Abbeville County Memorial hospital

Abbeville, South Carolina

Project Cost: \$14,350,537

Affecting Aiken County

Construction of an ambulatory surgery center with four (4) operating rooms.

Ambulatory Surgery Center of Aiken, LLC

Aiken, South Carolina

Project Cost: \$7,423,291

Affecting Dorchester County

Addition of a 1.5T Magnetic Resonance Imaging (MRI) unit; existing unit will be placed into storage upon initiation of new unit for possible use within the system in the future.

Summerville Medical Center

Summerville, South Carolina

Project Cost: \$1,935,436

## Affecting Fairfield County

Conversion of 17 substance abuse treatment beds to 17 general acute care beds resulting in a total licensed bed capacity of 50 acute care beds.

Fairfield Memorial Hospital  
Winnsboro, South Carolina  
Project Cost: \$-0-

## Affecting Georgetown County

Transfer of 14 licensed acute care beds from Georgetown Memorial Hospital to Waccamaw Community Hospital for a total of 54 acute care beds and 29 rehabilitation beds at Waccamaw Community Hospital and 131 acute care beds at Georgetown Memorial Hospital.

Waccamaw community Hospital  
Murrells Inlet, South Carolina  
Project Cost: \$20,000

## Affecting Greenville County

Relocation of 88 nursing home beds and expansion of the existing nursing home by adding 88 additional nursing home beds that do not participate in the Medicaid (Title XIX) Program for a total of 176 nursing home beds.

Roger Huntington Nursing Center  
Greer, South Carolina  
Project Cost: \$21,027,737

## Affecting Lancaster County

Conversion of 23 substance abuse beds to acute care beds resulting in a total licensed bed capacity of 168 acute care, 12 substance abuse and 14 nursing home beds.

Springs Memorial Hospital  
Lancaster, South Carolina  
Project Cost: \$1,981,200

## Affecting Laurens County

Conversion of 37 institutional nursing home beds to community nursing home beds which do not participate in the Medicaid (Title XIX) Program for a total of 7 institutional and 81 community nursing home beds.

Martha Franks Baptist Retirement Center  
Laurens, South Carolina  
Project Cost: \$-0-

## Affecting Richland County

Establishment of a radiation therapy treatment facility at the offices of South Carolina Oncology Associates, P.A. and transfer of ownership of six (6) linear accelerators (LAs) from Palmetto Health to NewCo [four (4) LAs remaining at Palmetto Health Richland and replacement and relocation of two (2) LAs from Palmetto Health Baptist to South Carolina Oncology Associates, P.A.]

NewCo  
Columbia, South Carolina  
Project Cost: \$4,762,442

## 6 NOTICES

Affecting York County

Conversion of two (2) nursing home beds to two (2) comprehensive rehabilitation beds resulting in a total of thirty-four (34) comprehensive rehabilitation beds and six (6) nursing home beds.

HEALTHSOUTH Rehabilitation Hospital of Rock Hill

Rock Hill, South Carolina

Project Cost: \$-0-

### 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 October 24, 2003 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

#### Class II

Aaron & Wright Technical Services

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COMMISSION

#### NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-60(C) of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to review and adopt the following building codes for use within the state:

Mandatory codes will include:  
International Building Code, 2003 Edition;  
International Residential Code, 2003 Edition;  
International Fire Code, 2003 Edition;  
International Plumbing Code, 2003 Edition;  
International Mechanical Code, 2003 Edition;  
International Fuel Gas Code, 2003 Edition;

International Energy Conservation Code, 2003 Edition.

Permissive codes will include:

International Property Maintenance Code, 2003 Edition;

International Existing Building Code, 2003 Edition.

The Council specifically requests comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary Wiggins, Board Administrator, at 110 Centerview Drive, 2<sup>nd</sup> Floor, Columbia, South Carolina, 29211-1329, (803) 896-4620.

## 8 DRAFTING

**DEPARTMENT OF CONSUMER AFFAIRS**  
**CHAPTER 28**  
Statutory Authority: 1976 Code Section 37-17-10 (F)

**Notice of Drafting:**

The South Carolina Department of Consumer Affairs proposes to draft a new regulation that addresses the prescription drug discount card business. Interested persons should submit their views in writing to Helen Fennell, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757 by November 1, 2003.

**Synopsis:**

The General Assembly passed legislation in 2001 requiring the registration of companies and individuals offering for sale discount prescription drug cards. These companies, through their agents, will offer plans to the public which will allow consumers to purchase prescription drugs at a discounted rate. The proposed regulations will address the administration of the registration process, including bonding requirements for companies and the setting of application fees for companies and individuals. Requirements for sales representative status will also be addressed.

Legislative review of this proposal will be required.

**STATE BOARD OF EDUCATION**  
**CHAPTER 43**

Statutory Authority: S.C. Code Ann. Sections (s) 59-5-60 (1990), 59-18-300 (Supp. 2002), and 59-18-310(B) (Supp.2002) and 59-18-320 (C) (1999)

**Notice of Drafting:**

The State Department of Education proposes to draft amendments to Regulation 43-262.4, End-Of-Course Tests. Interested persons may submit comments to Theresa Siskind, Office of Assessment, 1429 Senate Street, Columbia, South Carolina 29201, or by e-mail to [tsiskind@sde.state.sc.us](mailto:tsiskind@sde.state.sc.us). To be considered, all comments must be received no later than 5:00 p.m. on October 27, 2003, the close of the drafting comment period.

**Synopsis:**

The regulation is being amended to remove course numbers that may be inaccurate and are subject to change. The amendments also clarify that eligible examinees are those students who are enrolled in courses that cover the content standards for the gateway courses irrespective of course titles, numbers or grade level in school.

The regulation will require General Assembly approval.

**STATE BOARD OF EDUCATION**  
**CHAPTER 43**

Statutory Authority: S.C. Code Ann. Sections 59-19-90(10) (1990), No Child Left Behind, 20 USC 7165

**Notice of Drafting:**

The State Department of Education is planning to draft amendments to Regulation 43-273, Transfers and Withdrawals. Interested persons may submit comments to Carolyn Donges, Office of Safe Schools and Youth



Services, 1429 Senate Street, Columbia, South Carolina 29201, or by e-mail to [cdonges@sde.state.sc.us](mailto:cdonges@sde.state.sc.us). To be considered, all comments must be received no later than 5:00 p.m. on October 6, 2003, the close of the drafting comment period.

**Synopsis:**

The regulation is being amended to include a provision for the transfer of student disciplinary records upon a student's transfer to public or private school, in accordance with a requirement of No Child Left Behind, 20 USC 7165.

This regulation will not require General Assembly approval.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-43-480; 38-3-110; 1-23-10, *et seq.*

**Notice of Drafting:**

The South Carolina Department of Insurance proposes to revise Regulation 69-23, Agents and Agency Licenses. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than Friday, October 24, 2003.

**Synopsis:**

The South Carolina Department of Insurance proposes to revise Regulation 69-23 related to Agents and Agency Licenses in order to conform with recent changes resulting from the enactment of the Producer Licensing legislation (Act 323 of 2002).

The proposed regulation will require legislative review.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110; 38-3-150; 1-23-10, *et seq.*

**Notice of Drafting:**

The South Carolina Department of Insurance proposes to revise Regulation 69-31, Practice and Procedure for Hearings Before the Chief Insurance Commissioner under the State Administrative Procedures Act. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than Friday, October 24, 2003.

**Synopsis:**

The South Carolina Department of Insurance proposes to revise Regulation 69-31, Practice and Procedure for Hearings Before the Chief Insurance Commissioner under the State Administrative Procedures Act, in order to conform the Regulation to the current version of the Administrative Procedures Act and make the Department's hearing procedures consistent with the South Carolina Rules of Civil Procedure and the Rules of the Administrative Law Judge Division.

## 10 DRAFTING

The proposed regulation will require legislative review.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**DIVISION OF LABOR**  
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

### Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health is considering proposing revisions to Chapter 71, subarticle 3, to amend the requirements for recording and reporting of occupational injuries and illnesses as required by the United States Department of Labor. The amendment deletes two provisions requiring employers to check the musculoskeletal disorder (MSD) column on the OSHA 300 Log if an employee experienced a work-related MSD, and stated that MSDs are not considered privacy concern cases. The effective date of these provisions has been delayed since publication of the Recordkeeping rule in the FEDERAL REGISTER, Volume 66, Number 13, pages 6122- 6135, dated January 19, 2001; consequently, the requirements have never been in effect. Written comments can be submitted to Karl Maddox, OSHA Standards Office, Department of Labor, Licensing and Regulation, at P.O. Box 11329, Columbia, South Carolina, 29211-1329.

### Synopsis:

The purpose of deleting the two MSD recording provisions is to ensure national uniformity in reporting. South Carolina's regulation for recording and reporting occupational injuries and illnesses must be identical to the federal regulation. The information obtained from the injury and illness logs, required by employers to keep, is used to comprise national occupational injury and illness statistics.

**DEPARTMENT OF SOCIAL SERVICES**  
CHAPTER 114

Statutory Authority: 1976 Code Section 43-1-80

### Notice of Drafting:

The South Carolina Department of Social Services, Division of Individual & Provider Rights, proposes to amend 27 S. C. Code Regs. 114-110, et seq., "Fair Hearings," and to repeal and replace with new regulations 27 S. C. Code Regs. 114-210, et seq., "Complaints of Discrimination." Interested persons should submit their views in writing to L. Lynn McLendon, Director, Individual & Provider Rights, South Carolina Department of Social Services, Post Office Box 1520, Columbia, South Carolina 29202-1520.

### Synopsis:

The regulations in Sections 114-110, et seq., govern the administrative hearing process used in Federal and State programs administered by the Department. The current regulations became effective July 2000. The Department proposes to amend the regulations in several areas, including appeal of the removal of foster children; dismissal of cases; conforming regulation to statute governing review in CPS cases; and providing transcripts of record. Additionally several changes need to be made to bring the regulations into conformity with Federal Regulations in the Food Stamp and Child and Adult Care Food Programs.

The regulations in Sections 114-210, et seq., have not been updated in many years. These regulations govern the procedure for handling and resolving complaints of discrimination by the Department of Social Services. The regulations must be updated to include various Federal Civil Rights laws, including the Americans with

Disabilities Act. The amended regulation will include: a statement of non-discriminatory practices; procedures for filing complaints of discrimination; procedures to be followed by the Department in investigating complaints and taking corrective action; and provisions for compliance reviews by the Department.

## 12 PROPOSED REGULATIONS

Document No. 2851  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990) and  
No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 145 (2002)

### 43-53. Credential Classification

#### **Preamble:**

The State Department of Education recommends that the State Board of Education promulgate amendments to R 43-53, Credential Classification, to further clarify the types of educator credentials and align South Carolina's regulation on credentials with the federal No Child Left Behind Act of 2001 (Pub. L. No. 107-110).

The proposed amendments clarify the types of credential classifications acceptable under No Child Left Behind, including the addition of an international and an internship credential. The proposed amendments also clarify the phase-out process for certain credentials under No Child Left Behind.

The Notice of Drafting was published in the *State Register* on June 27, 2003.

#### Section-by-Section Discussion

- Section I(A) Clarification is inserted relative to the pedagogy examination requirement for the initial certificate.
- Section I(B) No changes.
- Section I(C) Clarification is inserted relative to the initial issuance and renewal of the alternative route certificate.
- Section I(D) New language is inserted to allow for the issuance of an international certificate to applicants from other countries. This credential complies with acceptable credentials under No Child Left Behind.
- Section I(E) New language is inserted to allow for the issuance of an internship certificate for individuals who have completed all degree and examination requirements of an approved teacher training program, except for the required internship. This certificate will also accommodate individuals who previously were issued temporary certificates in school psychology and speech-language pathology formerly specified in D(4) and D(5). The internship certificate is an acceptable certificate under No Child Left Behind.
- Section I(F) The text is revised to further clarify types of temporary certificates that will be limited or phased out under No Child Left Behind. Sections that were formerly D(4) and D(5) have been deleted and incorporated in Section I(E)
- Section II No changes.
- Section III No changes.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2003, at 10:00 a.m. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record. Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Division of Teacher Quality, 500 Landmark Building, 3700 Forest Drive, Columbia, South Carolina 29204 or email [jpoda@scteachers.org](mailto:jpoda@scteachers.org). Comments must be received no later than 5:00 P.M. on October 27, 2003. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

**Preliminary Fiscal Impact Statement:** There will be no increased costs to the state or its political subdivisions.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2002).

DESCRIPTION OF REGULATION: R 43-53, Credential Classification

Purpose: Regulation 43-53, Credential Classification, is being amended to further align South Carolina's regulation on credentials with the new federal No Child Left Behind Act of 2001 (Pub. L. No. 107-110).

Legal Authority: The legal authorities for promulgating this regulation are Sections 59-5-60 (1990) and 59-5-65 (1990 and Supp. 2002) of the Code of Laws of South Carolina, 1976 and No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 145 (2002).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education Web site for review and comment. The amendments will take effect upon approval by the State Board of Education and do not require General Assembly action because they relate to requirements of federal legislation (No Child Left Behind Act). The amendments will become effective when published in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed amendments will further align South Carolina's regulation on credentials with the new federal No Child Left Behind Act.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments to the South Carolina regulation on credential classification, if implemented, will have no effect on the environment or public health.

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

**Statement of Rationale:** The proposed amendment further aligns South Carolina's regulations on credentials with the new federal No Child Left Behind Act.

**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.

## 14 PROPOSED REGULATIONS

Document No. 2852  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-5-60 (1990)  
and Pub.L.No. 107-110, 155 Stat. 1425 (2002)

### 43-209. Nonprofessional/Paraprofessional Personnel Actions

#### **Preamble:**

The State Department of Education recommends that the State Board of Education propose amendments to R 43-209, Nonprofessional/Paraprofessional Personnel Actions to add further qualifications for paraprofessionals as required by the federal No Child Left Behind Act of 2001 (Pub. L. No. 107-110).

The Notice of Drafting was published in the *State Register* on June 27, 2003.

#### Section-by-Section Discussion

**Section A** Wording changes are made to reflect current terminology usage. Formatting changes are made to reflect current style preference.

**Section B** New language is inserted to add the qualifications for paraprofessionals in Title I schools and Title I targeted assistance programs required by the No Child Left Behind Act (NCLB). Current, remaining qualifications are reorganized. New language is also added regarding the establishment of a paraprofessional registry. Formatting changes are made to reflect current style preferences.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2003, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Division of Teacher Quality, Landmark Building Suite 500, 3700 Forest Drive, Columbia, South Carolina 29204 or e-mail [jpoda@scteachers.org](mailto:jpoda@scteachers.org). Comments must be received no later than 5:00 P.M. on October 27, 2003. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

**Preliminary Fiscal Impact Statement:** NCLB Title II A funds are being used to provide technical assistance to districts to monitor their compliance with the new paraprofessional requirements as well as to develop the paraprofessional registry.

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

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2002).

DESCRIPTION OF REGULATION: R 43-209, Nonprofessional/Paraprofessional Personnel Actions

Purpose: Regulation 43-209, Nonprofessional/Paraprofessional Personnel Actions, is being amended to further align South Carolina's regulation on paraprofessionals with the new federal No Child Left Behind Act of 2001.

Legal Authority: The legal authority for Regulation 43-209 are S.C. Code Ann. Section 59-5-60 (1990) and Pub.L.No. 107-110, 155 Stat. 1425 (2002).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education Web site for review and comment. The amendments will take effect upon approval by the State Board of Education and do not require General Assembly action because they relate to requirements of federal legislation (No Child Left Behind Act). The amendments will become effective when published in the *State Register*.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The proposed amendments will further align South Carolina's regulation on paraprofessional qualifications with the new federal No Child Left Behind Act.

**DETERMINATION OF COSTS AND BENEFITS:** \$10,000 out of federal funds.

**UNCERTAINTIES OF ESTIMATES:** None

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** The proposed amendments to the South Carolina regulation on paraprofessional qualifications, if implemented, will have no effect on the environment or public health.

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

**Statement of Rationale:** The proposed amendments further align South Carolina's regulation on paraprofessionals with the new federal No Child Left Behind Act.

**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. 2853  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-65 (Supp. 2002), 59-65-90 (1990), No Child Left Behind Act of 2001, 20 U.S.C. 7912, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. No. 93-415, 42 U.S.C. 5601 et seq.)

43-274. Student Attendance

**Preamble:**

The State Department of Education (SDE) recommends that the State Board of Education propose amendments to R 43-274, Student Attendance, as indicated in the drafting notice of June 27, 2003. The proposed amendments define truancy, clarify intervention requirements, and clarify the procedure for referring a student to Family Court for failure to attend school.

## 16 PROPOSED REGULATIONS

The proposed amendments define the term “truancy” to ensure the accurate and uniform collection of truancy rates on a school-by-school basis as required by the No Child Left Behind Act of 2001, Title IV, Section 4112 (c)(3).

The proposed amendments clarify intervention requirements in accordance with S.C. Code Ann. § 59-65-90 (1990) by providing more definitive wording and guidance in developing and implementing appropriate written intervention plans to improve student attendance.

The proposed amendments align South Carolina’s regulation with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) (Pub. L. No. 93-415, 42 U.S.C. 5601 et seq.) by clarifying the referral procedure for truants to Family Court for an initial probable cause hearing or violation hearing.

The Notice of Drafting was published in the *State Register* on June 27, 2003.

### Section-by-Section Discussion

**Section A** The text is revised to include more definitive wording regarding lawful and unlawful absences. The text is taken from the guidelines section located at the end of the original regulation.

**Section A (2)** regarding intervention plans and referrals has been deleted from this section, and this text has been revised and moved to Sections C and D.

**Section B** The text is revised to include a uniform definition of truancy to comply with the requirements of the No Child Left Behind Act of 2001 in the collection of truancy rates on a school-by-school basis.

The section also includes definitions for “habitual” and “chronic” truancy and outlines the correct procedure for attendance referrals to Family Court. The approval for absences in excess of 10 days and approval of credit section has been revised and moved to Section G.

**Section C** This text is revised to provide more guidance to school officials in completing written intervention plans. This section reflects the original text located previously at the end of the regulation. Some revisions have been made to provide additional clarification regarding the development of the plan. The guidelines section has been moved to Section I.

**Section D** The text includes language originally found in Section A and in the guidelines section of the regulation regarding judicial intervention. The original text has been revised to provide further clarification regarding the correct referral process for truants to Family Court. This section has been added to align this regulation with the requirements of JJDP.

**Section E** This section has been added to encourage school districts to work in collaboration with the South Carolina Department of Juvenile Justice to establish a system of graduated sanctions and community-based alternatives prior to referring a child to Family Court for failure to attend school.

**Section F** This section contains revisions of the text previously found in the guidelines section of the original regulation.

**Section G** This section contains revisions of the text previously found in Section B and the guidelines section of the original regulation.

**Section H** This section has been added to include information regarding the reporting requirements of truancy rates in accordance with the No Child Left Behind Act of 2001.



Section I This section includes information on the SDE Guidelines found in Section C of the original regulation.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2003, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment by writing to Carolyn Donges, Interim Director, Office of Safe Schools and Youth Services, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or e-mail [cdonges@sde.state.sc.us](mailto:cdonges@sde.state.sc.us). Comments must be received no later than 5:00 P.M. on October 27, 2003. Comments received by the deadline will be submitted to the Board in a summary of public comments and SDE responses for consideration at the public hearing.

**Preliminary Fiscal Impact Statement:** The full implementation of the uniform management and information system as required by the No Child Left Behind Act of 2001 will cost the SDE approximately \$700,000.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2002).

DESCRIPTION OF REGULATION: R 43-274, Student Attendance.

Purpose: Regulation 43-274, Student Attendance, is being amended. The proposed amendments will define the term “truancy” for the accurate and uniform collection of truancy rates on a statewide basis. The proposed amendments will also clarify intervention requirements in accordance to S.C. Code Ann. § 59-65-90 (1990) and align South Carolina’s regulation with the requirements of the JJDP. See Preamble and Section-by-Section Discussion above.

Legal Authority: The legal authorities for the regulation are Sections 59-5-65 (Supp. 2002), 59-65-90 (1990), No Child Left Behind Act of 2001, 20 U.S.C. 7912, and the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. No. 93-415, 42 U.S.C. 5601 et seq.)

Plan for Implementation: The proposed amendments will be posted on the State Department of Education's Web site for review and comment. The amendments will take effect upon approval by the State Board of Education and do not require General Assembly approval because they relate to requirements of federal legislation (NCLB). The amendments will become effective when the regulation is published as final in the *State Register*.

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

The proposed regulation will assist in the accurate, consistent, and uniform reporting of the frequency of truancy and processing of truancy cases on a statewide basis.

**DETERMINATION OF COSTS AND BENEFITS:** The cost to implement the uniform management and information reporting system was determined by careful analysis of data currently collected by the SDE and data required by the No Child Left Behind Act of 2001. The cost includes building a Structured Query Language (SQL) database accessible via the Web to meet the needs of the system.

## 18 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

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

**Statement of Rationale:** The proposed revised regulation will define the term “truancy” for the accurate and uniform collection of truancy rates on a school-by-school basis as required by the new federal No Child Left Behind Act of 2001, Title IV, Section 4112 (c)(3). Additionally, the proposed amendments clarify intervention requirements in accordance to S.C. Code Ann. § 59-65-90 (1990) and align South Carolina’s regulation with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. No. 93-415, 42 U.S.C. 5601 et seq.).

### **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. 2854  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61  
Statutory Authority: 1976 Code Section 48-1-10

R.61-69. Classified Waters

### **Preamble:**

Section 303(c) of the Federal Clean Water Act (CWA) requires that South Carolina establish water quality standards that are sufficiently protective to maintain the existing and classified uses of all waters of the State. The Department recently was asked to reevaluate a site-specific standard for dissolved oxygen (DO) currently established for the lower 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). In accordance with both State and Federal statutory and regulatory requirements, State water quality standards must be established using scientifically-defensible data and information and must provide for the protection and maintenance of the established beneficial uses of the waters of the State. Based upon the results of a site-specific study, as well as existing data and information, the Department is proposing a new site-specific DO standard for the lower Saluda River that will provide for the protection and maintenance of the classified uses of TPGT and the existing balanced indigenous aquatic community.

There are also tributaries associated with this waterbody that are unnamed in R.61-69 and, by default, may have assumed the TPGT classification (excluding the site-specific standard). These waters do not support trout species and the Department proposes to retain the appropriate classification of Freshwaters for these tributaries and to list them separately in R.61-69.

**Discussion of Revisions:**

<u>SECTION</u>	<u>REVISION</u>
R.61-69	Replace the site-specific dissolved oxygen water quality standard from the main stem of the lower Saluda River from the Lake Murray Dam to the confluence with the Broad River.
R.61-69	Retain the classification of Freshwaters for all tributaries of the main stem of the lower Saluda River from the Lake Murray Dam to the confluence with the Broad River.

**Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invite members of the public and regulated community to attend a staff-conducted informational forum to be held on October 23, 2003 at 10:00 am in Peoples Auditorium, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify the issues, and receive comments from interested parties on the proposed amendment to the regulation. Due to admittance procedures at the DHEC Building, all visitors must enter through the Bull Street Entrance and register at the front desk. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for December 11, 2003 as noticed below.

Interested parties are also provided an opportunity to submit written comments to the staff forum by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, fax number (803) 898- 4140. To be considered, written comments submitted must be received no later than 5:00 p.m. on October 31, 2003. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed below.

Copies of the text of the proposed amendment to the regulation for public notice and comment may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, email address [kirklagl@dhec.sc.gov](mailto:kirklagl@dhec.sc.gov), fax number (803) 898-4140, or from the Department's website at <http://www.scdhec.net/water/>.

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

Interested members of the public and regulated community are invited to make oral and written comments on the proposed amendment to the regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 2003. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department 24 hours 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 copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors must enter through the Bull Street Entrance and register at the front desk.

Interested parties are also provided an opportunity to submit written comments on the proposed amendment to the regulation by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201. To be considered, written comments

## 20 PROPOSED REGULATIONS

submitted must be received no later than 5:00 pm on October 31, 2003. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed above.

Copies of the final proposed regulation for public hearing may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, email address [kirklagl@dhec.sc.gov](mailto:kirklagl@dhec.sc.gov), fax number (803) 898-4140, or from the Department's website at <http://www.scdhec.net/water/>.

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

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

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

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

DESCRIPTION OF REGULATION: Amendment of Regulation 61-69, *Classified Waters*.

Purpose: Proposed amendment of R.61-69 will replace the site-specific standard for dissolved oxygen (DO) in the main stem of the lower Saluda River in order to protect survival and growth of trout populations and make the water quality standard consistent with Section 303(c) of the Federal Clean Water Act.

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

Plan for Implementation: The proposed amendment would be incorporated within R.61-69 upon approval of the General Assembly and publication in the State Register. The proposed amendment will be implemented in the same manner in which the present regulation is implemented.

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

In accordance with both State and Federal statutory and regulatory requirements, State water quality standards must be established using scientifically-defensible data and information and must provide for the protection and maintenance of the established beneficial uses of the waters of the State.

The main stem of the lower Saluda River from the Lake Murray Dam to the confluence with the Broad River is currently classified as Trout Put, Grow, and Take (TPGT). R.61-69 currently establishes a site-specific standard for DO of a daily average of not less than 5.0 mg/l with no minimum requirement. DHEC granted an applicant the time for a site-specific study to determine what level of dissolved oxygen was necessary to provide for the protection and maintenance of the TPGT classification. Numeric aquatic life criteria are expressed as short-term (acute) and long-term (chronic) concentrations in order that the criteria provide protection against lethality and sublethal effects in waters of the State. It is the combination of the two criteria that provides protection of aquatic life and sustains the aquatic life uses. Minimum DO criteria prevent acutely toxic conditions instream (hypoxia) and are crucial to the survival of all species. Trout populations are exceptionally sensitive to DO and scientifically-defensible data (i.e., EPA's Ambient Water Quality Criteria for Dissolved Oxygen, EPA 440/5-86-003) clearly demonstrate that trout species need higher DO levels in order to survive and flourish. Based upon the results of the site-specific study, as well as existing data and information, the Department proposes to amend the site-specific DO standard for the lower Saluda River.

DETERMINATION OF COSTS AND BENEFITS: Existing staff and resources will be utilized to implement this amendment to the regulation. No additional cost will be incurred by the State if the revisions are implemented and, therefore, no additional state funding is being requested. In reviewing the potential for significant economic impact of the proposed amendment, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. A single entity will be incurring costs associated with improvements to meet the existing water quality standards and to meet the proposed revised standard. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing standards would have incurred similar cost or the fact that the design standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department. Further, much of the proposed amendment, for which an estimated cost may be incurred by the regulated community at the time of permit issuance, are essential and necessary to protect and maintain the existing uses supported by the water quality standards and are therefore, beyond the scope of cost analysis in that they provide the minimum level of protection for aquatic life and human health as required by the Federal CWA. Further, this section of the lower Saluda River is used extensively by the public as a recreationally-significant water where anglers are aware of the stocking of trout species by the South Carolina Department of Natural Resources and regularly fish for trout and bass in this area. This trout stream provides an economic benefit to the surrounding metropolitan area by increasing hotel, restaurant, bait and tackle shops, and associated revenues from visiting fishermen. While no specific estimate was provided, there is an associated detriment to the surrounding economy

UNCERTAINTIES OF ESTIMATES: Minimal to moderate.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Implementation of this amendment will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendment will promote and protect survival and growth of trout populations as well as other resident freshwater aquatic life by the regulation of minimum DO levels in this water of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: Failure by the Department to incorporate this revision will result in instream consequences for trout species, as well as resident aquatic life species, in the lower Saluda River. Extremely low DO levels can cause fishkills and impair growth of trout species which are a significant and costly impairment to these stocked populations.

**Statement of Rationale:**

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

This amendment will replace a site-specific standard for dissolved oxygen on the main stem of the lower Saluda River. The Department proposes to allow a new site-specific standard based upon data and information gathered at the site as well as existing data and information to become the scientifically-defensible dissolved oxygen standard for the waterbody. See Statement of Need and Reasonableness above.

**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.

## 22 PROPOSED REGULATIONS

Document No. 2859  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61  
Statutory Authority: S.C. Code Ann. § 44-7-265 (1976, as amended)

R.61-\_\_\_, Standards For Licensing Freestanding or Mobile Technology

**Preamble:**

The Department of Health and Environmental Control proposes to draft new regulations establishing regulations for licensing of freestanding or mobile technology. The (S.C. Code Ann. § 44-7-265 (1976, as amended)) establishes requirements for the promulgation of regulations for freestanding or mobile technology that will include at a minimum: 1) standards for the maintenance and operation of freestanding or mobile technology to ensure the safe and effective treatment of persons served; 2) a description of the professional qualifications necessary for personnel to operate the equipment and interpret the test results; 3) minimum staffing requirements to ensure the safe operation of the equipment and interpret the test results; and 4) that all freestanding or mobile technology must be in conformance with professional organizational standards. Additionally, the regulation will include but not limited to: definitions; licensing requirements; reporting requirements; patient record content; enforcement action procedures; policies/procedures; quality improvement standards; infection control; tuberculin screening requirements; medication management; and a severability clause. See Statement of Need and Reasonableness and Discussion below.

A Notice of Drafting for this proposed regulation was published in the *State Register* on May 23, 2003. Legislative review will be required.

**Discussion of Proposed New Regulation:**

The Title is: *Standards For Licensing Freestanding or Mobile Technology*:

SECTION 100 includes definitions, references, and licensing requirements. Section 103 addresses licensing fees.

SECTION 200 addresses methods used in enforcing regulations, *i.e.*, investigations, inspections, and consultations.

SECTION 300 references the types of enforcement actions that may be taken by the Department, the classifications of violations, range of penalty amounts, and the appeal process.

SECTION 400 includes requirements that the agency maintain policies and procedures that include descriptions of how the standards in this regulation will be achieved.

SECTION 500 addresses general staff requirements including staff training, qualifications, and numbers to comply with applicable federal, state, and local laws and in accordance with professional organizational standards; on-site manager, medical director, medical staff, staff health status.

SECTION 600 provides reporting requirements to the Department.

SECTION 700 addresses patient record content and maintenance.

SECTION 800 provides requirements for care, treatment, procedures, and services to patients.

SECTION 900 includes facility identification of patient rights and assurances

SECTION 1000 addresses medication management.

SECTION 1100 addresses emergency procedures/disaster preparedness.

SECTION 1200 includes fire prevention, i.e., arrangements for fire department response/protection, tests and inspections, fire response training, fire drills.

SECTION 1300 addresses equipment maintenance.

SECTION 1400 addresses infection control including staff practices which promote the prevention of the spread of infectious, contagious disease, vaccinations, sterilization procedures, and tuberculin skin testing, per Centers for Disease Control and Prevention (CDC) and the Department's TB Control requirements, the handling of infectious waste, housekeeping, and clean/soiled linen.

SECTION 1500 addresses the quality improvement program.

SECTION 1600 addresses design and construction.

SECTION 1700 addresses fire protection equipment and systems.

SECTION 1800 addresses mobile units.

SECTION 1900 includes a severability clause that indicates that if a court of competent jurisdiction determines that part of the regulation is invalid or otherwise unenforceable then the remainder of the regulation will not be affected and will still be in force.

SECTION 2000 includes "general" that refers to any conditions that have not been addressed in the regulation.

**Notice of Staff Informational Forum:**

The staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a Staff Informational Forum on October 30, 2003, at 1:30 p.m. in the second floor conference room in the Heritage Building at 1777 St. Julian Place, Columbia, S.C. The purpose of this forum is to receive comments from interested persons regarding the proposed regulation. Comments received shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing scheduled pursuant to S.C. Code Ann. §§ 1-23-110 and -111 (1976, as amended) as noticed below.

Interested persons are also provided an opportunity to submit written comments to the forum by writing to Dennis L. Gibbs, Director, Division of Health Licensing, DHEC, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments for the forum and comment period must be received no later than 4:00 p.m. on October 30, 2003.

Oral and written comments received during the forum comment period shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing on December 11, 2003, as noticed below. Comments received by the deadline date shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the Public Hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Dennis L. Gibbs at the above address.

## 24 PROPOSED REGULATIONS

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

Interested members of the public and regulated community are invited to make oral or written comments regarding the proposed regulation at a Public Hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 11, 2003. The Public Hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The agenda is published by the Department 24 hours 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 copies of their presentations for the record.

Interested persons may also submit written comments during the public comment period by writing to Mr. Dennis L. Gibbs, Director, Division of Health Licensing, DHEC, 2600 Bull St., Columbia, S.C. 29201: Telephone number (803) 545-4370; Fax number (803) 545-4212. To be considered, written comments must be received before 4:00 p.m. on October 30, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for Public Hearing on December 11, 2003, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the Public Hearing noticed above.

Copies of the final proposed regulation for consideration at the Public Hearing before the DHEC Board may be obtained by contacting Dennis L. Gibbs at the above address.

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

There will be no cost to the Department, the State and its political subdivisions. Cost of implementation will be met, in part, by licensing fees imposed by the proposed regulation. There will be minimal costs to the regulated community. See Statement of Need and Reasonableness below.

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

This statement was determined by staff analysis pursuant to S.C. Code Ann. §§ 1-23-115(C)(1)-(3) and (9)-(11) (1976, as amended).

### **DESCRIPTION OF REGULATION:**

**Purpose:** The proposed regulation will include 1) standards for the maintenance and operation of freestanding or mobile technology to ensure the safe and effective treatment of persons served; 2) a description of the professional qualifications necessary for personnel to operate the equipment and interpret the test results; 3) minimum staffing requirements to ensure the safe operation of the equipment and interpret the test results; and 4) that all freestanding or mobile technology must be in conformance with professional organizational standards. Additionally, the regulation will include but not limited to: definitions; licensing requirements; reporting requirements; patient record content; enforcement action procedures; policies/procedures; quality improvement standards; infection control; tuberculin screening requirements; medication management; and a severability clause.

**Legal Authority:** The legal authority for this proposed new regulation is S.C. Code Ann. § 44-7-265 (1976, as amended).

**Plan for Implementation:** The proposed regulation will take effect upon publication in the *State Register* following approval by the Board of Health and Environmental Control and the S.C. General Assembly. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.



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

This regulation is needed and reasonable because its development will satisfy a legislative mandate pursuant to S.C. Code Ann. § 44-7-265 (1976, as amended).

The regulation is needed and reasonable because it will promote public health by providing standards for freestanding or mobile technology, thereby reducing the likelihood of adverse outcomes as a result of unsafe, faulty equipment.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost to the state and its political subdivisions. There will be minimal costs to the regulated community in that there shall be a licensing fee to recover increased licensing inspection/investigation operational costs.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment. The regulation will promote public health by providing standards for regulating freestanding or mobile technology.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE NEW REGULATION IS NOT IMPLEMENTED: There will be an adverse effect on the public health if the regulation is not implemented since it is likely that continuing to allow unregulated equipment to be utilized would not advance the prevention of negative health outcomes as the result of unsafe, faulty equipment.

**Statement of Rationale:**

Since the S.C. Code Ann. § 44-7-265 (1976, as amended) requires the promulgation of standards for freestanding or mobile technology, initiation of the process to development such standards is appropriate.

**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. 2857

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

Statutory Authority: S.C. Code Ann. Sections 44-1-140 *et seq.*, 44-1-140(11); 1-23-10; -110 (1976, as amended)

R.61-36. Manufacture, Distribution, and Sale of Frozen Dairy Foods and Frozen Desserts

**Preamble:**

The Department proposes to amend R.61-36. Manufacture, Distribution, and Sale of Frozen Dairy Foods and Frozen Desserts. This regulation was promulgated pursuant to S.C. Code Section 44-1-140 *et seq.*, and was last amended in 1956. The proposed amendments will bring the Regulation in compliance with the latest Frozen Dessert guidelines of the United States Public Health Service, Food and Drug Administration and assure consumers that the latest sanitation requirements are being met by the dairy industry. The majority of these latest requirements and guidelines have already been implemented by the Department under the authority of the FDA; these amendments will incorporate these requirements into South Carolina's regulation. Amendments will also insure that the regulation complies with the requirements of the South Carolina Administrative Procedures Act, is

## 26 PROPOSED REGULATIONS

compatible with R.61-34.1 *Pasteurized Milk and Milk Products*, and will strengthen the Department's enforcement capability.

Staff initiated the statutory process for the amendment of R.61-36 by publication of a Notice of Drafting in the *State Register* on June 27, 2003 and on July 25, 2003. The most recent drafting comment period ended on August 25, 2003; comments from this notice were considered in formulating the proposed revision. See Discussion of Proposed Revision below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

### SECTION/REVISION

Title Title simplified – products covered now referred to as frozen desserts by definition. This change is consistent throughout the revised regulation.

Contents Table of Contents added.

61-36.I. Twelve new definitions added to be consistent with those found in R.61-34.1 *Pasteurized Milk & Milk Products*; two definitions revised to be more consistent with R.61-34; two new definitions added specifically for frozen dessert manufacturing; and six existing definitions updated.

61-36.II. Moved from Section 3 and rewritten to be consistent with R. 61-34.1. The Department given additional authority for examining frozen desserts to determine freedom from adulteration or misbranding and for impounding or placing hold orders on products believed to be adulterated or misbranded. It also requires that adulterated products be removed from the market, disposed of, and sale stopped until analysis reveals the products to be free from adulteration.

61-36.III. Moved from Section 2. The name of section changed from “Permits” to “Compliance Procedures” to include all requirements of the South Carolina Administrative Procedures Act and to be consistent with R.61-34.1.

61-36.IV. The obsolete term “Placarding” has been removed from the title. The requirement to label mix as either “pasteurized” or “raw” has been deleted since, by definition, all “mix” shall now be pasteurized. The use of a plant code on a mix or frozen dessert product in lieu or in addition to the name and address of the plant was added. Also the additional requirement of all finished product labeling having to meet all applicable federal and state labeling laws was added since this regulation does not address specific labeling requirements such as standardized product name (ice cream, lowfat ice cream, nonfat ice cream, etc.), ingredients, nutrition facts, net contents, etc., regulated by the United States Department of Agriculture, the United States Food and Drug Administration, and locally by the South Carolina Department of Agriculture.

61-36.V.A. Revised to be consistent with R.61-34.1. Specifically, added the requirement that all frozen desserts manufacturers must be inspected by the Department prior to a permit being issued.

61-36.V.B. Revised to be consistent with R.61-34.1. Specifically, a minimum inspection criteria of at least once every three months was added.

61-36.V.C. Revised to be consistent with R.61-34.1. Added the requirement to allow for a minimum of 3 days before reinspecting a facility after a violation in Section VI or VII is found to exist.

61-36.V.D. Revised to be consistent with R.61-34.1. Includes specific actions that must be taken when a critical processing element violation occurs.

61-36.V.E. Revised to be consistent with R.61-34.1. Includes specific actions to be taken when critical processing violations are found with aseptically processed mix or frozen desserts.

61-36.V.F. Revised to be consistent with R.61-34.1. Deleted specific requirement for plants to keep inspection reports for a period of 12 months.

61-36.V.G. Added to be consistent with R.61-34.1. Allows the Department to have access to frozen dessert plants and records to determine compliance with the provisions of this Regulation.

61-36.V.H. Added to be consistent with R.61-34.1. It makes it unlawful for any person, who, in an official capacity, obtains any information under the provisions of this regulation to use such information to his own advantage or reveal it to any unauthorized person.

61-36.VI.A. Revised to be consistent with R.61-34.1. Allows for the exception of two samples being collected in the same month as long as the sampling dates are separated by at least 20 days.

61-36.VI.B.1. Revised to be consistent with R.61-34.1. It eliminates the antiquated requirement “average reduction time” and adds specific coliform determination requirements. It eliminates logarithmic averages with arithmetic averages.

61-36.VI.B.1. Added to delineate handling of a positive phosphatase test.

61-36.VI.B.3. Added to be consistent with R.61-34.1. It specifically provides for actions to be taken when a pesticide residue test is positive.

61-36.VI.B.4. Added to be consistent with R.61-34.1. It specifically provides for actions to be taken when a drug residue test is positive.

61-36.VI.B.5. Added to be consistent with R.61-34.1. It specifically provides for actions to be taken when containers of aseptically processed mix are found to be unsterile due to underprocessing.

61-36.VI.C. Added to be consistent with R.61-34.1. It also replaces antiquated sample method references in Section 6. It also gives the Department authority to do examinations and tests to detect adulterants on samples, as deemed necessary.

61-36.VII.A.1.a.(1) Added to be consistent with R.61-34.1. It specifically adds temperature standards for raw milk and milk products used in frozen dessert manufacturing.

61-36.VII.A.1.a.(2) Revised to be consistent with R.61-34.1. It reduces the bacterial limits for raw milk and milk products from 200,000 to 100,000 per mL, but adds an allowance for up to 300,000 per mL for commingled milk prior to pasteurization to be consistent with R.61-34.1.

61-36.VII.A.1.a.(3) Added to be consistent with R.61-34.1. It specifically adds a limit for the somatic cell count for milk and milk products used in frozen dessert manufacturing.

61-36.VII.A.1.a.(4) Added to be consistent with R.61-34.1. It specifically adds appropriate methods for drug residue screening for raw milk and raw milk products used in frozen desserts and to be consistent with current FDA standards for milk and milk product drug residue testing.

61-36.VII.A.1.b.(1) Revised to be consistent with R.61-34.1. It reduces the cooling temperature requirement of milk and milk products in Section 7, Item 17, from 50° F or less to 45°F or less, and applies these requirements also to heat-treated, bulk-shipped milk products.

## 28 PROPOSED REGULATIONS

61-36.VII.A.1.b.(2) Revised to lower the bacterial limits for non-cultural frozen desserts from the current 50,000 per gram limit in Section 7. Item 24 to 30,000 per mL as recommended by FDA. Also, deleted the requirement in Section 7. Item 25 for milk and milk products used as ingredients in the pasteurized, condensed, evaporated, or dried state to have an average bacterial plate count not exceeding 50,000 per cubic centimeter or per gram and for doubling these limits for cream since this is now covered in Section VII A.1.a(2), and apply these requirements to heat-treated, bulk-shipped milk products.

61-36.VII.A.1.b.(3) Added to be consistent with R.61.34.1. It specifically adds a coliform limit not to exceed 100 per mL for heat-treated, bulk-shipped milk products.

61-36.VII.A.1.b.(4) Testing limits and criteria updated to be consistent with current FDA standards for milk and milk product phosphatase testing.

61-36.VII.A.1.b.(5) Added to be consistent with R.61-34.1. It specifically adds appropriate methods for drug residue screening in milk and milk products to be consistent with current FDA standards for milk and milk product drug residue testing.

61-36.VII.A.1.c. Added to be consistent with R. 61-34.1. It includes current FDA standards for aseptically processed milk and milk products.

61-36.VII.A.2. Added to be consistent with R.61.34.1. It specifically insures that no unapproved process or manipulation is applied to mix or frozen desserts for the purpose of removing or deactivating microorganisms.

61-36.VII.B.1. Revised to be consistent with R.61-34.1. It, however, does not include the requirement for having floor drains either inside cold rooms of the floor or the cold room sloped to drain to one or more exits due to the use of some walk-in coolers and freezers that are not water flushed for cleaning. Also, the requirement to keep the floors clean in Section 7, Item 1, has been moved to Section B.9., Frozen Dessert Plant Cleanliness.

61-36.VII.B.2. Revised to be more consistent with R.61-34.1. Specifically, deleted the exception for hardening and storage rooms to not have light-colored finishes. Also, the requirement to keep the walls and ceilings clean in Section 7, Item 2, has been moved to Section B.9., Frozen Dessert Plant Cleanliness.

61-36.VII.B.3. Revised to be more consistent with R.61-34.1. Specifically added the requirement to protect access by rodents and allow the use of closed windows and effective air curtains as effective means for vector control.

61-36.VII.B.4.a. Revised to be more consistent with R.61-34.1. Added specific minimum lighting levels of 20 foot-candles in working areas and 5 foot-candles in dry storage and cold storage rooms.

61-36.VII.B.4.b. Added to be consistent with R.61-34.1. Specifically, added a requirement for filtering pressurized air intakes.

61-36.VII.B.5.a. Revised to be consistent with R.61-34.1. However, the requirement for separate rooms was previously found in Section 7, Item 5.

61-36.VII.B.5.b. Added to be consistent with R.61-34.1. Specifically added the requirement for processing, washing and storage areas not opening directly into any stable area and that all rooms shall be of sufficient size for their intended purposes.

61-36.VII.B.5.c. Revised to be consistent with R.61.34.1. Specifically added the requirement that designated areas or rooms shall be provided for the receiving, handling and storage of returned mix and frozen desserts.

61-36.VII.B.6. Revised to be consistent with R.61.34.1. Specifically, flush type toilet requirement conforming with South Carolina State Board of Health requirements changed to toilet facilities conforming with state and local plumbing laws, regulations and codes. Added requirement that toilet rooms shall be well lighted and that waste be disposed of in a system approved by the Department.

61-36.VII.B.7. Revised to be consistent with R.61.34.1. Added a requirement for the Department to take water samples for bacteriological testing at prescribed intervals and that these samples be analyzed in official laboratories with records maintained.

61-36.VII.B.8. Revised to be consistent with R.61.34.1. Specifically, require that “individual” towels or approved hand drying devices be used for drying hands and that hand-washing facilities be kept in good repair.

61-36.VII.B.9. Sections added to be consistent with R61-34.1. Requirements for cleaning were previously found in Section 7, Items 1 and 2. Added the requirement that only equipment directly related to processing operation or to handling of containers, utensils and equipment shall be permitted in processing and storage rooms.

61-36.VII.B.10. Revised to be consistent with R.61.34.1. Specific FDA construction criteria for sanitary piping, fittings, and connections were added.

61-36.VII.B.11. Revised to be consistent with R.61.34.1. Specific FDA construction criteria for containers and equipment was added.

61-36.VII.B.12. Revised to be consistent with R.61.34.1. Specifically, the requirements to clean all product contact surfaces at least daily and all storage tanks when emptied, but at least once every seventy-two hours, were added; except that the Department may grant permission for longer than 72 hours. Also, the requirement for equipping storage tanks holding products greater than twenty-four hours with either temperature recording devices or other secondary device for evaluating the cleaning and sanitizing regimen was added. Information needed on the recording charts and the requirement for the Department to review charts was also added.

61-36.VII.B.13. Revised to be consistent with R.61.34.1. Specifically, the words “cleaned,” “utensils,” and “transported” were added and the requirement to store in a manner to assure complete drainage was added.

61-36.VII.B.14. Revised to be consistent with R.61.34.1. Specifically, the name of the section was changed to also include other materials that cannot be identified as either single service containers or utensils. The acceptable method of storage for these items and their ingredients was expanded to include wrappings or cartons and a specific requirement to keep them in a clean, dry place “until used” was added.

61-36.VII.B.15. Added to be consistent with R.61.34.1. However, most of the requirements in this section were generally covered under Items 5, 19, and 20. Specifically added is the requirement that the storage, handling, and use of poisonous or toxic materials shall be performed to avoid contamination of food and product contact surfaces and that air under pressure and steam used in the manufacture of frozen desserts meet the applicable FDA standards.

61-36.VII.B.16.a. Revised to be consistent with R.61.34.1. Aseptic processing, an alternate, FDA acceptable means of processing mix, which was unknown when R.61-36 was last revised, was added.

61-36.VII.B.16.b. Revised to ensure that all pasteurization is done properly according to the latest FDA requirements.

61-36.VII.B.17. Revised to be consistent with R.61.34.1. Specifically, the temperature for milk and fluid milk products used in frozen dessert manufacturing was lowered from 50° F to 45° F for better protection from the growth of pathogenic organisms and to meet FDA Grade A milk and milk product requirements. Also, added the requirement that mix not frozen at the plant at which it was pasteurized also be maintained at a temperature of 45°

### **30 PROPOSED REGULATIONS**

F or below; that every room or tank holding milk products or mix be equipped with a thermometer meeting FDA requirements; and that recirculated cooling agents be sampled and meet FDA requirements.

61-36.VII.B.18. Language changed to be more consistent with R.61-34.1. Specifically, drip deflectors and shielding are required to protect against contamination. Also, specific guidance given regarding when hand capping/packaging will be allowed.

61-36.VII.B.19. Revised to ensure that all milk and milk products used in frozen dessert manufacturing are from Grade A domestic sources as defined by FDA or from other sources generally recognized as “manufactured grade milk” if approved by the Department. Currently, all fluid milk and milk products used for manufacturing frozen desserts in South Carolina are from Grade A sources; however, some dry milk powder may not always be. This gives the Department more latitude in determining the approved source of milk ingredients used in frozen dessert manufacturing and does not require that detailed “animal health” requirements be added. Also, criteria for acceptable ingredients that can be added to frozen desserts after pasteurization is added and taken verbatim from FDA’s Frozen Dessert Processing Guidelines.

61-36.VII.B.20. Revised to be consistent with R.61-34.1. Specifically, the requirements that all employees must thoroughly wash hands after visiting the toilet room, that adequate hair coverings must be worn, and that no tobacco can be used while processing were added.

61-36.VII.B.21. Section added to be consistent with R.61-34.1. All requirements pertaining to vehicles, however, previously covered under Section 7, Item 23.

61-36.VII.B.22. Section added to be consistent with R.61-34.1. Surroundings, however, generally covered under Section 7, Item 23. The requirement to keep surroundings free from conditions which might attract vectors or constitute a nuisance and the requirement to only use Department and/or EPA approved insecticides and rodenticides was added.

61-36.VIII. Revised to include updated language concerning the Department. Also, inserted the work “substantially” before equivalent since there are no uniform frozen dessert laws and regulations among the states and, therefore, very difficult to determine actual equivalency.

61-36.IX. Revised to be consistent with R.61.34.1. However, requirements basically do not change.

61-36.X. Revised to be consistent with R.61.34.1. Contains updated language.

61-36.XI. Revised to be consistent with R. 61-34.1. Specific measures are added regarding what shall be done when reasonable causes exist to suspect the possibility of transmission of infection from any person concerned with the manufacture of frozen desserts.

61-36.XII. Section added for guidance to manufacturers concerning recall actions.

61-36.XIII. Section revised to meet current administrative procedure requirements.

61-36.XIV. Section revised to meet current administrative procedure requirements.

61-36.XV. Section revised to meet current administrative procedure requirements.

#### **Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on October 15, 2003, at 1:00 p.m. at Peebles Auditorium of the South Carolina Department of Health and Environmental Control, 2600 Bull Street,

Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final staff proposal for the revision of R.61-36 for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for November 13, 2003, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Joe Neely, Division of Food Protection – Dairy Foods and Soft Drink Bottling Program, Bureau of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on November 13, 2003. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The agenda is published 24 hours 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 for public comment by writing to Mr. Joe Neely at the above address. Written comments must be received no later than 4:00 p.m. on October 27, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed repeal for public hearing on November 13, 2003, as noticed above. Comments received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Mr. Neely at the above address.

**Preliminary Fiscal Impact Statement:**

The Department estimates there will be no new costs imposed on the State or its political subdivisions by this regulation.

**Statement of Need and Reasonableness and Rationale:**

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

**DESCRIPTION OF REGULATION:**

Purpose: The proposed amendments will bring the Regulation in compliance with the latest Frozen Dessert guidelines of the United States Public Health Service, Food and Drug Administration and assure consumers that the latest sanitation requirements are being met by the dairy industry; these amendments will incorporate these requirements into South Carolina's regulation. Amendments will also insure that the regulation complies with the requirements of the South Carolina Administrative Procedures Act, is compatible with R.61-34.1, Pasteurized Milk and Milk Products, and will strengthen the Department's enforcement capability.

Legal Authority: The legal authority for R.61-36 is S.C. Code Ann. Section 44-1-140(11) *et seq.* (1976, as amended).

## 32 PROPOSED REGULATIONS

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and the General Assembly, and publication in the *State Register*. These latest requirements have already been implemented by the Department under the authority of the FDA. The regulated community will be provided copies of the regulation.

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

The proposed regulation will ensure that consumers are receiving safe, high quality frozen dairy foods and frozen desserts, and will bring the regulation into compliance with the latest requirements set forth by the United States Food and Drug Administration (FDA) regarding bottled water manufacturing sanitation practices.

**DETERMINATION OF COSTS AND BENEFITS:** There are no anticipated new costs associated with the implementation of this regulation. There will be a benefit to South Carolina's environment and the health of its citizens by ensuring that consumers are receiving safe, high quality frozen dairy foods and frozen desserts.

**UNCERTAINTIES OF ESTIMATES:** None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** The proposed regulation will ensure that consumers are receiving safe, high quality frozen dairy foods and frozen desserts.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** Not implementing the regulation will cause a decrease in the sanitary standards in frozen dessert and frozen dairy food manufacturing and processing facilities; this decrease in sanitary standards could have a detrimental effect on the health of South Carolina's citizens and visitors.

### STATEMENT OF RATIONALE:

The determination to revise this regulation was in response to changes in requirements set forth by the United States Food and Drug Administration (FDA) and assure consumers that the latest sanitation requirements are being met by the dairy industry.

### **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. 2856  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61

Statutory Authority: S.C. Code Ann. Sections 44-1-140(4); 1-23-10; -110 (1976, as amended)

R.61-32. Soft Drink Bottling Plants

**Preamble:**

The Department proposes to amend R.61-32, Soft Drink Bottling Plants. This regulation was promulgated pursuant to S.C. Code Section 44-1-140 *et seq.* The proposed amendments will bring the regulation into compliance with the latest requirements set forth by the United States Food and Drug Administration (FDA) regarding bottled water manufacturing sanitation practices. These latest requirements have already been implemented by the Department under the authority of the FDA; these amendments will incorporate these requirements into South Carolina’s regulation. Amendments will also ensure that the regulation complies with the requirements of the South Carolina Administrative Procedures Act, and will strengthen the Department’s enforcement capability. The title of this regulation is being changed to clearly identify the regulation as being applicable to bottled water as well as soft drinks.

Staff initiated the statutory process for the amendment of R.61-32 by publication of a Notice of Drafting in the *State Register* on June 27, 2003 and on July 25, 2003. The most recent drafting comment period ended on August 25, 2003; comments from this notice were considered in formulating the proposed revision. See Discussion of Proposed Revision below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

SECTION/REVISION

TITLE.	Title of regulation changed to include bottled waters.
CONTENTS	Table of Contents added.
SECTION I.	Wording changed to include bottled waters as a separate product and process.
SECTION II.	Wording changed to include bottled waters as a separate product and process.
SECTION III.	Bottled waters added to appropriate definitions. Twenty (20) new definitions added to reflect FDA nomenclature and to further clarify the regulation.
SECTION IV.B.3.	Requirement for posting handwashing signs for employees added.
SECTION IV.C.	“Insanitary” changed to “unsanitary”.
SECTION V.B.5.(a)	Bottled waters added to this section.
SECTION V.C.1.(a)	“Source” changed to “public water system”.
SECTION V.C.1.(c)	Bottled waters added to this section.
SECTION V.C.1.(e)	Requirement for air vents to be filtered added.
SECTION V.D.1.	“Source” changed to “public water system”.

## 34 PROPOSED REGULATIONS

SECTION V.D.2	Wording “approved by the Department” added to require approval of disinfectants used.
SECTION V.D.3.	Requirement for the tank being sealed when water is “delivered” is changed to read “unloaded.”
SECTION V.F.3.	The word “insanitary” changed to “unsanitary.”
SECTION V.F.5.	Bottled waters added to the section.
SECTION VII.A.4.	Bottled waters added to the section.
SECTION VII.A.7	New section added to require maintaining current certification or approval within the plant.
SECTION VII.A.8.	Bottled waters added to this section.
SECTION VII.A.9.	New section added to require conditions and controls to prevent microbiological contamination.
SECTION VII.A.10.	New section added to require germicidal treatment by ozonation, carbonation or other equivalent disinfection approved by the Department.
SECTION VII.A.11.	New section added to require weekly total coliform monitoring.
SECTION VII.A.12.	New section added to require sampling for chemical and radiological contaminants in source water for bottled water products.
SECTION VII.A.13.	New section added to require sampling and analysis for each type of finished bottled water product.
SECTION VII.A.14.	New section added to allow bottled water to be used as an ingredient in beverages.
SECTION VII.A.15.	New section added to delineate the requirements for the collection of spring water.
SECTION VII.A.16.	Section added to allow the addition of fluoride or minerals.
SECTION VII.D.3.(a)	Language not necessary for the requirement removed.
SECTION VII.D.3.(b)	Language not necessary for the requirement removed.
SECTION VII.I.1.	Bottled waters added to this section.
SECTION VII.I.2.	Bottled waters added to this section.
SECTION IX.A.	Bottled waters added to this section.
SECTION IX.B.1.	Bottled waters added to this section.

- SECTION IX.C. Changes made in this section to reflect the requirements of the South Carolina Administrative Procedures Act.
- SECTION IX.D.1. Wording added to allow revocation of the permit for “the interference with the health authority in the performance of duty.”
- SECTION IX.D.4. Wording added to reflect the requirements of the South Carolina Administrative Procedures Act.
- SECTION IX.F. Wording added to reflect the requirements of the South Carolina Administrative Procedures Act.
- SECTION IX.H. Bottled waters added to this section.
- SECTION IX.L. New section added to establish requirements for out-of-state imports.
- SECTION IX.M. New section added to establish requirements for out-of-country imports.
- SECTION IX.N. New section added to require established procedures for initiating and performing a product recall when necessary.

**Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on October 15, 2003, at 1:00 p.m. at Peebles Auditorium of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed regulation. Comments received shall be considered by staff in formulating the final staff proposal for the revision of R.61-32 for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for November 13, 2003, pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Chris Saul, Division of Food Protection – Dairy Foods and Soft Drink Bottling Section, Bureau of Environmental Health, S. C. Department of Health and Environmental Control, 2600 Bull St., Columbia, S.C. 29201.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on November 13, 2003. The public hearing will be held in the Board Room of the Commissioner’s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The agenda is published 24 hours 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 for public comment by writing to Mr. Chris Saul at the above address. Written comments must be received no later than 4:00 p.m. on October 27, 2003. Comments received by the deadline date shall be considered by staff in formulating the final proposed repeal for public hearing on November 13, 2003, as noticed above. Comments

## 36 PROPOSED REGULATIONS

received by the deadline will be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Mr. Saul at the above address.

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

The Department estimates there will be no new costs imposed on the State or its political subdivisions by this regulation.

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

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

#### DESCRIPTION OF REGULATION:

Purpose: The proposed amendments will bring the regulation into compliance with the latest requirements set forth by the United States Food and Drug Administration (FDA) regarding bottled water manufacturing sanitation practices. These latest requirements have already been implemented by the Department under the authority of the FDA; these amendments will incorporate these requirements into South Carolina's regulation. Amendments will also ensure that the regulation complies with the requirements of the South Carolina Administrative Procedures Act, and will strengthen the Department's enforcement capability. The title of this regulation is being changed to clearly identify the regulation as being applicable to bottled water as well as soft drinks.

Legal Authority: The legal authority for R.61-32 is S.C. Code Ann. Section 44-1-140(4) et seq. (1976, as amended).

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and the General Assembly, and publication in the *State Register*. These latest requirements have already been implemented by the Department under the authority of the FDA. The regulated community will be provided copies of the regulation.

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

The proposed regulation will ensure that consumers are receiving safe, high quality soft drink and bottled water products, and will bring the regulation into compliance with the latest requirements set forth by the United States Food and Drug Administration (FDA) regarding bottled water manufacturing sanitation practices.

**DETERMINATION OF COSTS AND BENEFITS:** There are no anticipated new costs associated with the implementation of this regulation. There will be a benefit to South Carolina's environment and the health of its citizens by ensuring that consumers are receiving safe, high quality soft drink and bottled water products.

**UNCERTAINTIES OF ESTIMATES:** None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** The proposed regulation will ensure that consumers are receiving safe, high quality soft drink and bottled water products.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** Not implementing the regulation will cause a decrease in the sanitary standards in soft drink bottling plants and water bottling facilities; this decrease in sanitary standards could have a detrimental effect on the health of South Carolina's citizens and visitors.

#### STATEMENT OF RATIONALE:

The determination to revise this regulation was in response to changes in requirements set forth by the United States Food and Drug Administration (FDA) regarding bottled water manufacturing sanitation practices.

**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. 2855  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61  
 Statutory Authority: 1976 Code Section 48-1-10 et seq.

**R.61-68, Water Classifications and Standards**

**Preamble:**

The Department proposes amendment of R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recently published numeric and narrative criteria and to comply with recent Federal regulatory revisions and recommendations. The Department has included two revisions that will improve the regulation. R.61-68 also includes revisions due to recodification of additional language from the proposed text changes so that every section, subsection, item, and subitem could be cited correctly. See also the Statement of Need and Reasonableness and Statement of Rationale herein. The proposed amendment will be submitted to the General Assembly for review.

The Notice of Drafting for this proposed amendment was published in the *State Register* on February 28, 2003.

**Discussion of Revisions:**

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

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

<u>SECTION</u>	<u>REVISION</u>
Appendix	These revisions reflect EPA's most recently published criteria. This included several human health values being revised to adjust for a higher fish tissue consumption rate and several pollutant values that no longer use a bioconcentration factor, but now use a bioaccumulation factor. There is also a new methylmercury fish tissue number for human health protection that replaced the water column value previously contained in the regulation. EPA's revised criteria also included the footnotes as well as several of the Federal Register citations.

**(2): Review and revision of the bacterial indicator for protection of recreational uses.**

## 38 PROPOSED REGULATIONS

<u>SECTION</u>	<u>REVISION</u>
R.61-68.E.13.c.9.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.E.13.d.5.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.G.4.a.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.G.6.a.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.G.11.e.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.G.12.e.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.
R.61-68.G.13.e.	Added language to reflect the addition of enterococci as a bacterial indicator for saltwaters of the State.

### **(3): Inclusion of an allowance for a variance from water quality standards.**

<u>SECTION</u>	<u>REVISION</u>
R.61-68.B.59.	Added a definition for variance.
R.61-68.E.7.a-f.	Added a variance provision to the water quality standards setting forth the conditions and circumstances under which a variance may be granted by the Department.
R.61-68.E.8.	Added language to include the variance provision.

### **(4): Stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.**

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

<u>SECTION</u>	<u>REVISION</u>
R.61-68.E.11.c.	Typographical correction.
R.61-68.E.13.c.8.	Removed language for clarity.
R.61-68.E.13.c.9.	Removed language for clarity.

### **Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on October 22, 2003 at 10:00 a.m. in

Peoples Auditorium, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested parties on the proposed amendment to the regulation. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled for December 11, 2003 as noticed below.

Interested parties are also provided an opportunity to submit written comments to the staff forum by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, Fax number (803) 898-4140. To be considered, written comments submitted must be received no later than 5:00 p.m. on October 31, 2003. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed below.

Copies of the text of the proposed amendment to the regulation for public notice and comment may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, Fax number (803) 898-4140, or from the Department's website at <http://www.state.sc.us/dhec/eqc/>.

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

Interested members of the public and regulated community are invited to make oral and written comments on the proposed amendment to the regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 2003. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested parties are also provided an opportunity to submit written comments on the proposed amendment to the regulation by writing to Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201. To be considered, written comments submitted must be received no later than 5:00 pm on October 31, 2003. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed above.

Copies of the final proposed regulation for public hearing may be obtained by contacting Gina L. Kirkland at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, 29201, telephone number (803) 898-4250, Fax number (803) 898-4140, or from the Department's website at <http://www.state.sc.us/dhec/eqc/>.

## **40 PROPOSED REGULATIONS**

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

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

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

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

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

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

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

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

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

### **The adoption of federal toxics criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the CWA.**

The proposed changes to R.61-68 relating to human health and aquatic life criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes include using a larger fish tissue consumption rate that better reflects true consumption patterns and provides a more protective risk level for bioaccumulative pollutants.

### **Review and revision of the bacterial indicator for protection of recreational uses.**

The proposed changes reflect EPA's requirement under the CWA amendments, also known as the Beaches Environmental Assessment and Coastal Health Act (BEACH Act amendments) that South Carolina adopt either *E.coli* or enterococci as its bacterial indicator organism for its coastal recreational waters by April of 2004. The Department is proposing the use of enterococci for all of its saltwaters in order to comply with EPA's requirements.

### **Inclusion of an allowance for a variance from water quality standards.**

South Carolina's current water quality standards do not include a provision for a variance from those standards. The Department has recently reviewed the applicability of variances where under certain situations the use attainment may not be currently achieved but may be achieved at a future date. The Department believes that a variance provision would be a beneficial and necessary inclusion for our state's water quality standards. We have included language that specifies when and how a variance may be granted by the Department.



**Stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.**

**DETERMINATION OF COSTS AND BENEFITS:** Existing staff and resources will be utilized to implement this amendment to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

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

**UNCERTAINTIES OF ESTIMATES:** Minimal to moderate.

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

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

**Statement of Rationale:**

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The first two issues contained in the proposed amendment of R.61-68 are requirements of the CWA and are necessary for compliance with EPA's recommendations for the triennial review of the water quality standards to ensure consistency with the CWA. The two remaining issues are Department initiated and are necessary and essential to the water quality standards program in South Carolina and to the quality of the regulation itself. The water quality standards variance provision will ensure that water quality use standards may be maintained while providing for reasonable expectations for dischargers when all applicable classified uses cannot be attained at this time to the level of achieving a numeric criteria set for that classified use. This will ensure a reasonable expectation of eventual achievement of the use and that meaningful progress towards that achievement will be reevaluated at least every three years at the time of the triennial review of the water quality standards in compliance with Section 303(c)(2)(B) of the CWA. The remaining issue is one of revisions based entirely on corrections or clarity of the language in the regulation in order to maintain a regulation that is efficient, readable, and accurate.

## 42 PROPOSED REGULATIONS

### 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. 2858  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
CHAPTER 61

Statutory Authority: 48-1-10 et seq. and 48-14-10 et seq.

### R.61-9 Water Pollution Control Permits

#### Preamble:

The Department proposes to amend Regulation 61-9 to incorporate Federal Concentrated Animal Feeding Operation (CAFO) discharge permit regulations promulgated at 40 CFR 122. The requirement for South Carolina to include equivalent regulations is stated at 40 CFR 123.25 and 36. See the Discussion of the Revisions below and the Statement of Need and Reasonableness herein. The proposed amendments are being promulgated to maintain consistency with federal regulations. Neither a preliminary fiscal impact statement nor an assessment report is applicable.

A Notice of Drafting for this proposed amendment was published in the State Register on June 27, 2003. No public comments were received from the notice. The proposed amendments do not require legislative approval.

#### Discussion of Proposed Revisions:

The revision to item 122.21(a)(1) would add requirements for a concentrated animal feeding operation (CAFO) to apply for an NPDES permit.

The revision to item 122.21(i)(1) would remove existing text and replace with new requirements for the information to be included in NPDES applications for CAFO.

The revision to item 122.23 would remove existing text and replace it with new requirements related to NPDES permits for CAFO. CAFO are defined and circumstances requiring permitting or allowing exemption are described. This language also replaces existing Appendix B of R.61-9.122.

The revision to item 122.28(b)(2)(ii) would add a sentence to the paragraph stating the requirement that a Notice of Intent to be covered (NOI) by a general NPDES permit for a concentrated animal feeding operation (CAFO) include information specified in the regulation.

New item 122.42(e) would state general requirements (as compared to the specific requirements included in Federal effluent limitations guidelines) which must be included in NPDES permits for CAFO.

The text of section 122 Appendix B would be removed, being replaced by revised 122.23, and the appendix would be reserved.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 2003 to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 A.M. at which time the Board will consider items on its agenda in the order presented. The order of presentations for public hearings will be noted in the Board's agenda, to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Andrew Yasinsac, Jr. at South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 P.M. October 28, 2003. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 2003, as noticed above. Comments received by the deadline shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

**Statement of Need and Reasonableness and Statement of Rationale:**

This statement of need and reasonableness has been developed based on staff analysis pursuant to S.C. Code Section 1-23-115(C)(1) - (3) and (9) - (11):

DESCRIPTION OF REGULATION: R.61-9. Water Pollution Control Permits.

Purpose: To amend Regulation 61-9 in accordance with changes to Federal Regulation 40 CFR Part 122, promulgated as stated below. The Federal promulgation also requires, at 40 CFR 123.36, that states, such as South Carolina, with permit authority establish technical standards consistent with Federal requirements at 40 CFR 412.4(c)(2). This has previously been accomplished in South Carolina Regulation 61-43, Standards for the Permitting of Agricultural Animal Facilities. S.C. R.61-43 was established based on Confined Swine Feeding Operations of 1996, S.C. Code Ann. 47-20-10 et seq. and the Pollution Control Act, S.C. Code Ann.48-1-10 et seq. As stated in the Act, S.C. Code Ann. 47-20-10 et seq. was repealed as the outcome of the Department issuing and the Legislature approving "separate and distinct confined swine feeding operations regulations" in June 2002.

These proposed regulations are copied from and are solely based on the U.S. Environmental Protection Agency regulation on the same subject, Concentrated Animal Feeding Operations. Changes are made to name the Department as the permitting authority and to refer to the Department as such throughout the regulation, to change compliance dates earlier than the effective date of this regulation amendment to the effective date, and to refer to "waters of the United States" as "waters of the State".

Legal Authority: This change to state law is authorized by S.C. Code Sections 48-1-10 through 350 and the Clean Water Act, 33 U.S.C. 1251 et seq. and regulations promulgated in the Federal Register at page 7176 on February 12, 2003.

Plan for Implementation: The additional work required of Department personnel by the proposed amendments will be integrated with existing staff and duties. During the first year after the permit is issued and during reissuance of the permit five (5) years later, the above activities would necessitate a total effort of about one-half person-year by the Department. In each intervening year efforts would entail about three (3) person-months of effort by the Department.

## 44 PROPOSED REGULATIONS

The existing South Carolina Regulation 61-30, Environmental Permit Fees, includes fees for coverage under an NPDES general permit. Once these regulations are final, the fees will apply to existing and new CAFO for coverage under the NPDES general permit for CAFO and will assist in funding Department personnel to accomplish this program. However, fees will not be due (or received by the Department) until after the permit is written and issued.

### DETERMINATION OF NEED AND REASONABLENESS FOR THE PROPOSED REGULATION AND EXPECTED BENEFIT:

This regulatory amendment is exempt from the requirements to develop a Preliminary Fiscal Impact Statement and a Preliminary Assessment Report, per S.C. Code Ann. 1-23-120(G)(1), because each change is necessary to maintain consistency with Federal regulations.

In amending the Federal regulations, the U.S. Environmental Protection Agency (at FR 2/12/03) states the purpose of the amendment of this date as follows:

"Today's final rule revises and clarifies the Environmental Protection Agency's (EPA) regulatory requirements for concentrated animal feeding operations (CAFOs) under the Clean Water Act. This final rule will ensure that CAFOs take appropriate actions to manage manure effectively in order to protect the nation's water quality.

Despite substantial improvements in the nation's water quality since the inception of the Clean Water Act, nearly 40 percent of the Nation's assessed waters show impairments from a wide range of sources. Improper management of manure from CAFOs is among the many contributors to remaining water quality problems. Improperly managed manure has caused serious acute and chronic water quality problems throughout the United States.

Today's action strengthens the existing regulatory program for CAFOs. The rule revises two sections of the Code of Federal Regulations (CFR), the National Pollutant Discharge Elimination System (NPDES) permitting requirements for CAFOs (Sec. 122) and the Effluent Limitations Guidelines and Standards (ELGs) for CAFOs (Sec. 412).

The rule establishes a mandatory duty for all CAFOs to apply for an NPDES permit and to develop and implement a nutrient management plan. The effluent guidelines being finalized today establish performance expectations for existing and new sources to ensure appropriate storage of manure, as well as expectations for proper land application practices at the CAFO. The required nutrient management plan would identify the site-specific actions to be taken by the CAFO to ensure proper and effective manure and wastewater management, including compliance with the Effluent Limitation Guidelines. Both sections of the rule also contain new regulatory requirements for dry-litter chicken operations."

Federal regulations, 40 CFR 123.25, require that the NPDES requirements (40 CFR 122) of the U.S. Environmental Protection Agency be adopted by South Carolina, as an authorized permitting authority, and that is being done in this regulatory action. Provisions of existing South Carolina Regulation 61-43, Standards for the Permitting of Agricultural Animal Facilities, establish requirements to accomplish appropriate portions of U.S. EPA effluent limitations guidelines (ELG). However, the Effluent Limitations Guidelines (40 CFR 412) need not be adopted by a permitting authority, and it is not intended to do so. Nonetheless, references in regulations promulgated in South Carolina would require compliance by S.C. CAFO with the U.S. EPA Effluent Limitations Guidelines.

This proposed amendment is needed and reasonable to bring South Carolina regulations into compliance with Federal regulations and to ensure compliance with the goals of the Federal amendments.

### DETERMINATION OF COSTS AND BENEFITS:

For the CAFO NPDES permitting, there could be significant costs to the Department. U.S. EPA estimates that compliance with regulation requirements will cost permit authorities about \$580 per permit. U.S. EPA's estimate of the average number of permits per state is about 300. For that many permits in South Carolina, the cost to the Department would be \$174,000. The existing permitting of agricultural animal facilities in South Carolina is likely to reduce the additional cost to the Department of CAFO NPDES permits for existing facilities, and the additional fees for NPDES general permit coverage would cover part of the cost.

U.S. EPA estimates of the national costs and benefits for compliance show that the regulation is cost-effective, as stated in the preamble to the Federal regulation.

**UNCERTAINTIES OF ESTIMATES:** The estimates stated by U.S. EPA in the FR show significant variation, both for cost estimates and benefit estimates.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:** Existing S.C. DHEC Regulation 61-43 already requires compliance with measures comparable to U.S. EPA Effluent Limitations Guidelines. The new permit requirements will include monitoring to demonstrate compliance with the management requirements and periodic reporting. This will allow additional enforcement and thereby more incentive for compliance by permitted facilities.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** Federal regulations require all the actions proposed in these amendments. Therefore, all the actions must be carried out even if the proposed regulation is not implemented. However, there would likely be significant delays in achieving some of the water quality improvements if the proposed regulation is not implemented to provide the authority for the Department of Health and Environmental Control to proceed.

**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. 2860  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
 BOARD OF MEDICAL EXAMINERS  
 CHAPTER 81  
 Chapter Statutory Authority: 1976 Code Sections 40-47-20 and 40-47-80.

**Preamble:**

The State Board of Medical Examiners is proposing that Regulations 81-70 and 81-90 be amended by changing “associate” to “assistant” professor so as to permit licensure for employment of certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina. Additionally, 81-70 is itemized and the text is clarified.

**Section-by-Section Discussion:**

Regulation 81-70            Requirements for Limited License.

Itemizes section 81-70 for clarity.

The section now identified as 81-70(B) is reworded for clarity.

The section now identified as 81-70 (D) deletes the word “who” as grammatical correction.

The section now identified as 81-70(E) adds “Limited License” to clarify application type.

## 46 PROPOSED REGULATIONS

The section now identified as 81-70(F) adds “of the Limited License application and” to clarify application type; changes “certificate and documentation” to “certificate as well as documentation” as grammatical correction.

The sentence now identified as 81-70(G) deletes the term “associate professor” and replaces it with “assistant professor.” This allows a greater pool of candidates for full-time medical school faculty appointments under the Limited License provisions.

The section now identified as 81-70(H) removes “regular” and adds “Permanent” to clarify the type of license; adds “annually on” for license expiration date.

81-90(A)(3)(c)

Deletes the term “associate professor” and replaces it with “assistant professor.”

81-90(H)(3)

Deletes the term “associate professor” and replaces it with “assistant professor.”

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

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 9:30 a.m. on Thursday, November 13, 2003. Written comments may be directed to John Volmer, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than Thursday, October 30, 2003 at 5 p.m.

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

There will be no additional cost incurred by the State or any political subdivision.

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

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Sections 40-47-20 and 40-47-80.

### **DESCRIPTION OF REGULATION:**

Purpose: To change Regulation 81-70, 81-90 (A)(3)(c) and 81-90 (H) (3).

Legal Authority: Statutory Authority: Sections 40-47-20 and 40-47-80.

Plan for Implementation: The Board will implement the proposed regulation with written and oral communications.

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

The proposed regulation is necessary in order to change regulations that require full-time academic faculty appointment at the rank of associate professor or greater in order to be issued a Limited or Permanent License or to receive credit for postgraduate training for the academic appointment for licensure purposes by changing “associate” to “assistant.” It is also necessary to make grammatical corrections and clarify text.

### **DETERMINATION OF COSTS AND BENEFITS:**

There will be no additional costs incurred by the State or any political subdivision. Benefits of these amendments to the Regulations are to permit medical schools in this State to employ highly qualified professionals in faculty positions, including foreign educated physicians recognized as leaders in their fields. The change from “associate” to “assistant” professor also will permit certain academic faculty at the rank of assistant professor or

greater at medical schools in South Carolina to receive credit for postgraduate training for the academic appointment for licensure purposes.

**UNCERTAINTIES OF ESTIMATES:**

There are no uncertainties of estimates concerning this regulation.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

This regulation will have no effect on the environment and public health of this State.

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

There will be no detrimental effects on the environment and public health if the requirement is not implemented in this State.

**Statement of Rationale:**

There was no scientific or technical basis relied upon in developing the regulation. Furthermore, these amendments will offer medical schools in this State a larger pool of academic faculty members. Associate professors are more difficult to attract from current positions because of their tenure of ten to fifteen years experience required to be an associate professor. Assistant professors are required to have two to four years experience. The change from “associate” to “assistant” professor also will permit certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina to receive credit for postgraduate training for the academic appointment for licensure purposes.

**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.

## 48 EMERGENCY REGULATIONS

Filed: August 29, 2003, 10:45 am

Document No. 2861  
**DEPARTMENT OF NATURAL RESOURCES**  
**CHAPTER 123**  
**Statutory Authority: 50-11-10; 50-11-2200**

### Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 1 it is necessary to file these emergency regulations.

### WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2003-04

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (\*) require hunters to sign in (not before 12:00 noon) and sign out on opening-day hunts. Fields denoted by a double asterisk (\*\*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves may be hunted during scheduled dove hunts.

Season Dates: September 1 - October 4 (Sept 1-6 Afternoons only)  
November 22- November 29 -- December 19 - January 15

Bag Limit: 12 doves per day

The following special regulations apply to all Wildlife Management Area Public Dove Fields: No entry onto fields before 12:00 noon. Hunters are limited to 50 shells per hunt. Fields will close at 6:00 p.m. during the first segment of the season (September 1 – October 4).

### ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 1 (see Youth Hunt List for details). 1<sup>st</sup> season – Saturdays Only beginning Sept. 13, Afternoons only. 2<sup>nd</sup> and 3<sup>rd</sup> season – Open Mon – Sat (864) 223-2731

### ANDERSON

Evans Property, US 178 at Lebanon, 25 acres. Sept. 1 & Saturdays Only, Afternoons Only, Dove Hunting Only. Opening day participants will be selected by drawing August 19 at Clemson DNR Office. Call (864) 654-1671 for details

### ANDERSON

Clemson University - Fant's Grove WMA, From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres. Sept. 1 & Saturdays Only, Afternoons Only. (864) 654-1671

### \*\*BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres. Sept 6, 20; Oct. 4; Nov. 22- Afternoons Only. Dove & Pigeon Hunting Only.  
(843) 825-3387.

### \*\*BERKELEY



U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres. Sept 6, 20; Oct. 4; Nov. 22; Afternoons Only. Dove & Pigeon Hunting Only. (843) 825-3387

**\*CHESTER**

Chester County Airport Commission, 4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres. Sept. 1 & Saturdays Only, Afternoons Only, Dove Hunting Only. (864) 427-4771

**\*CHESTER**

U.S. Forest Service - Worthy Bottoms, 10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy=s Ferry Rd. 30 acres. 1st season - Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only All 3 seasons (864) 427-9858, (864) 427-4771

**\*CHESTERFIELD**

Taylor Property, 1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres Sept. 1 & Saturdays Only, Afternoons Only. Dove Hunting Only. (864) 427-4771

**\*CHESTERFIELD**

DNR - McBee Tract

4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted. 1st season – Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only All 3 seasons . (864) 427-4771

**\*CHESTERFIELD**

SC Forestry Commission - Sand Hills State Forest, Wilkes Chapel Field, From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres. 1st season – Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only All 3 seasons. (843) 498-6478, (864) 427-4771

**\*CHESTERFIELD**

SC Forestry Commission - Sand Hills State Forest, Patrick Field, South on SC 102 from Patrick approx. 1 mile to gate on right. 30 acres. 1<sup>st</sup> season – Wednesdays. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon – Sat. Afternoons Only All 3 Seasons. (843) 498-6478 or (864) 427-4771

**\*\*CLARENDON**

Santee Cooper – Santee Dam WMA, From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres. Sept. 13, 27. Field may be closed - call before coming. (843) 825-3387 - Dove Hunting Only

**\*\*CLARENDON**

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. Sept. 6, 13; Oct. 4; Nov. 29; Jan. 3. (843) 825-3387. Dove Hunting Only

**\*\*COLLETON**

DNR - Bear Island WMA, About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres. 1st season - noon to 6 PM, 2nd season - noon to Sunset Sept 3, 17 & 24; Nov 29. (843) 844-8957

**\*\*COLLETON**

## **50 EMERGENCY REGULATIONS**

DNR - Donnelley WMA, From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres. Sept 3, 10, & 24; Nov 29; Dec 20; Jan. 7 & 14. Afternoons only. (843) 844-8957

### **EDGEFIELD/ MCCORMICK**

U.S. Forest Service - Forks WMA, 1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres. 1st season – Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

### **\*FAIRFIELD**

Ridgeway Mining Co., 4.5 miles E of Ridgeway on SC 34, Right on dirt road for 0.5 miles, 28 acres. Sept. 1 & Saturdays Only, Afternoons Only. (864) 427-4771

### **GEORGETOWN**

DNR Samworth WMA, 15 miles north of Georgetown off US 701, Follow Signs, 65 acres. Saturdays, Afternoons Only, Dove Hunting Only. (843) 546-9489

### **GREENWOOD**

U.S. Forest Service - Parsons Mountain WMA, 2 fields – ½ mile south of Cedar Springs Church on Sec. Rd. 112, 30 acres, & near Fell Hunt Camp, 15 acres. 1st season – Sept. 1 & Saturdays only, afternoons only. 2<sup>nd</sup> and 3<sup>rd</sup> season - Mon-Sat. (864) 223-2731

### **HAMPTON**

DNR - Webb Wildlife Center, 3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres. Sept 3 & 20, Oct. 4, Nov. 26, Dec. 20, Jan 3 & 14 Afternoons Only. (803) 625-3569

### **HORRY**

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres. Sept. 1 & Saturdays only, afternoons only. (843) 546-9489, (843) 248-6013

### **KERSHAW**

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres. Sept. 1 & Saturdays Only, Afternoons Only. Dove Hunting Only. (864) 427-4771

### **\*LAURENS**

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres. 1st season –Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat. Afternoons Only All 3 seasons - (864) 427-4771

### **LEE**

Atkinson Property, From 1-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper's Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres. Sept. 1 & Wednesdays beginning Sept. 10, Afternoons only. Dove Hunting Only. (843) 661-4768

### **MARLBORO**

DNR - Lake Wallace WMA, northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres. Saturdays, Afternoons Only. Closed Labor Day. Dove Hunting Only. (843) 661-4768, (843) 479-3312

### **MCCORMICK**

U.S. Army Corps of Engineers - Clarks Hill WMA Waterfowl Area, 2.5 miles south of Bordeaux on Sec Rd 110, 40 acres

Sept 1 & 24; Nov 26, Jan 14 only, afternoons only. (864) 223-2731

#### **MCCORMICK**

U.S. Army Corps of Engineers - Clarks Hill WMA, 3 miles south of Willington on Sec Rd 135, 2 miles southwest on Forest Service Rd. 563F, 25 acres. 1st season – Wednesdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon - Sat. (864) 223-2731

#### **MCCORMICK**

U.S. Army Corps of Engineers - Key Bridge WMA, 2 miles west of Plum Branch on Sec Rd 57, 30 acres. 1st season –Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

#### **NEWBERRY**

International Paper Company, From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres. 1st season – Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon-Sat.

Afternoons Only All 3 seasons . (864) 427-4771

#### **NEWBERRY**

U.S. Forest Service, 10 miles north of Newberry on SC 121, Turn Right on Forest Service Rd 490, Go 1 mile., Field at end of road on Left, 22 acres. 1st season - Sept. 6, 13, 20, 27 & Oct. 4. 2nd & 3rd seasons Open Mon-Sat. Afternoons Only -All 3 seasons. (803) 276-4810, (864) 427-4771

#### **NEWBERRY**

SCE&G, From Newberry take SC Hwy 395 South approx. 12 miles and field is on right. 30 acres planted in clearcut. Open only Nov. 22, Nov. 29, Dec. 20, Dec. 27, Jan. 3, Jan. 10. Afternoons only. (864) 427-4771.

#### **OCONEE**

S.C. Forestry Commission - Piedmont Nursery, From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres

Sept, 1 & Saturdays Only, Afternoons Only. Dove hunting only -- 3rd season – Closed. (864) 654-1671

#### **OCONEE**

U.S. Forest Service - Ross Mtn. Field, About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres. Saturdays, Afternoons Only, Beginning Sept 6. (864) 654-1671

#### **\*\*ORANGEBURG**

Santee Cooper - Santee Cooper WMA, .5 miles northeast of Eutaw Springs, 70 acres. Entire WMA under Dove Area Regulations.

Sept 6, 13; Oct. 4; Nov. 29. Afternoons Only. Dove Hunting Only. (843) 825-3387

#### **PICKENS**

Crescent Resources, From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres. 1st season - Sept 1, 6, 13, 20, 27. 2nd & 3rd seasons - Open Mon -Sat Afternoons Only

(864) 654-1671

#### **PICKENS**

DNR Property, South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres. Sept. 1 & Saturdays Only, Afternoons Only.

(864) 654-1671

## **52 EMERGENCY REGULATIONS**

### **PICKENS**

Clemson University - Gravelly WMA - Causey Tract, From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres. Sept. 1 & Saturdays Only, Afternoons Only. (864) 654-1671

### **PICKENS**

Porter Field, 183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right. Opens Sept. 6, Saturdays - Afternoons Only. 1st & 2nd seasons Only. (864) 654-1671

### **SALUDA**

S.C. Electric and Gas, Murray WMA, 12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres. 1<sup>st</sup> season – Sept. 1 & Saturdays Only. Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Mon.-Sat. (864) 223-2731

### **\*SPARTANBURG**

Jones Property, From Intersection of Hwy 9 & 11, Go north on Hwy 9 for 2.7 miles, Turn Right on Wooden Bridge Rd, Go 0.6 miles, Field on Left. 15 acres. Sept. 1 & Saturdays, Afternoons Only. Dove Hunting Only. (864) 427-4771

### **\*SPARTANBURG**

Santee Cooper, From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres.  
Sept. 1 and Saturdays, Afternoons Only. (864) 427-4771

### **SUMTER**

S.C. Forestry Commission - Manchester State Forest, Field locations posted at Forestry Headquarters, Batten's at SC 261 & SC 763 in Wedgefield, or Shop-N-Go on SC 120, the Pinewood Rd., multiple fields, 150 acres. 1st season - Wed or Sat Afternoons (Designated Fields). 2nd & 3rd seasons - Open Mon. - Sat. ( Designated Fields and the general forest). (803) 494-8196, (843) 661-4768

### **\*UNION**

DNR Thurmond Tract, 4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres.  
1<sup>st</sup> season – Sept. 1 & Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon – Sat. Afternoons Only All 3 Seasons.  
(864) 427-4771.

### **UNION**

U.S. Forest Service, 3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres. 1st season - Sept 6, 13, 20, 27 & Oct. 4. 2nd & 3rd seasons - Open Mon - Sat. Afternoons Only All 3 seasons. (864) 427-4771, (864) 427-9858

### **\*YORK**

DNR - Draper Tract, 3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields.  
1st season – Sept. 1 & Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon - Sat. Afternoons Only All 3 seasons.  
Opening day participants selected by drawing. Apply in writing by Aug 18 to DNR, 124 Wildlife Drive, Union, SC, 29379. Limited space available. Call (864) 427-4771

### **YORK**

York County – Worth Mountain WMA, From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn right on Scenic View Rd, go .75 miles and field is on right. 25 acres planted. Open only Nov. 22, Nov. 29, Dec. 20, Dec. 27, Jan. 3, Jan. 10. Afternoons only. (864) 427-4771.

### **SPECIAL YOUTH HUNTS**

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 5 to 15 years of age. The following regulations also apply on Special Youth Dove Hunts: (1) Adults may actively participate in hunting, but adults may not shoot while accompanying youths are shooting. Adult's gun must be unloaded when accompanying youth is shooting; youths' guns must be unloaded when adult is shooting. (2) Bag limit is 12 birds per youth participant. Birds harvested by adult hunters will count towards this bag limit. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds.

#### **ABBEVILLE YOUTH HUNT**

U.S. Forest Service – Parson Mountain WMA, Sept. 1. Limited space available.  
Call (864) 223-2731) beginning August 11 to pre-register

#### **\*\*CLARENDON YOUTH HUNT**

Oak Lea WMA, Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx. 5 mi. Field on right. Sept. 1.  
For information, call (843) 825-3387. No pre-registration required. Dove Hunting Only

#### **NEWBERRY YOUTH HUNT**

U.S. Forest Service near Whitmire. September 1. Participants selected by drawing. Apply in writing or call by Aug 20 to USFS, 20 Work Center Rd, Whitmire, SC 29178-9710. Limited space available. (803) 276-4810

#### **OCONEE YOUTH HUNT**

U.S. Forest Service, Ross Mtn. Field. September 1. Participants selected by drawing. Apply by Aug. 19 to DNR, 153 Hopewell Rd., Pendleton, SC 29670. Limited Space Available. For application, call (864) 654-1671 ext. 24

#### **PICKENS YOUTH HUNT**

Porter Field -- Sept 1. Participants selected by drawing. Apply by Aug. 19 to DNR, 153 Hopewell Rd., Pendleton, SC 29670  
Limited Space Available . For application, call (864) 654-1671 ext. 24

#### **SUMTER YOUTH HUNT**

Manchester State Forest near Wedgefield. September 1. Limited space available. Call (843) 546-9489 beginning August 13 but prior to August 22 for field location and to pre-register.

#### **UNION YOUTH HUNT**

U.S. Forest Service near Sedalia. September 1 . Participants selected by drawing. Apply in writing or call by Aug 20 to DNR, 124 Wildlife Dr., Union, SC 29379. Limited space available. (864) 427-4771

#### **YORK YOUTH HUNT**

DNR Draper WMA. September 1 . Participants selected by drawing. Apply in writing or call by Aug 20 to DNR, 124 Wildlife Dr. Union, SC 29379. Limited Space Available. (864) 427-4771

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

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates

## 54 EMERGENCY REGULATIONS

changed as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

### 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.

Filed: August 29, 2003, 10:45 am

Document No. 2862  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123  
Statutory Authority: 1976 Code Section 50-11-2200 and 50-11-2210

### Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 17 it is necessary to file these regulations as emergency so they take effect immediately.

### 123-40 Hunt Units and Wildlife Management Area Regulations

#### 1.2 (X) Croft State Park WMA

Archery Only Deer Hunts	September 17-18 September 24-25	3 Deer Per Day, either-sex Max. 1 antlered buck per day
Archery-Crossbow Deer Hunts	October 15-16 November 12-13	3 Deer Per Day, either-sex Max.1 antlered buck per day

### Hunt Procedure/ Special Rules and Regulations

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the Shop near the main gate each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check-in and present their hunting license for a daily permit. The check point will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00 pm to 8:00 pm.
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. A parking area will be provided near the old ammo dump just off Dairy Ridge Road but parking is not allowed along Dairy Ridge Road. Do not park where a gate is being blocked. See map for designated parking areas.

5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.
6. Only archery equipment will be permitted during September hunts. Crossbows will not be allowed during the September hunts unless a person has an upper limb disability and has complied with all legal requirements (Section 50-11-565) to utilize a crossbow. Archery equipment or crossbows will be permitted during the October and November hunts. Hunters are allowed to carry only one type of equipment at a time.
7. Hunters must wear either a hat, coat or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.
9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 am to 3:00 pm and after dark. You must notify PRT or DNR before a dog is utilized.
10. Hunters will not be allowed to use ATV's.
11. Camping is available at Croft State Natural Area. Reservations for individuals (2 nights minimum) can be made in advance.
12. The daily bag limit is 3 deer per day including no more than one antlered buck.
13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the Shop.
14. All harvested deer must be promptly brought to the deer check station at the Shop near the main gate.
15. Firearms or alcoholic beverages are not allowed within the park.
16. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
17. All appropriate hunting licenses including a valid WMA Permit and Big Game Permit are required.

**Statement of Need and Reasonableness:**

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 17, it is necessary to file these regulations as emergency so they take effect immediately.

**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.

## 56 EMERGENCY REGULATIONS

Filed: August 29, 2003, 10:45 am

Document No. 2863  
**DEPARTMENT OF NATURAL RESOURCES**  
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-310, 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 starts August 15, it is necessary to file these regulations as emergency.

### 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:

#### **(D) Game Zone 4**

#### **Fairforest, Enoree, Carlisle, Broad River, Dutchman, Wateree and Worth Mountain WMA's (add "Worth Mountain")**

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun). Worth Mountain WMA Quality Deer Management Area: Bucks must have a minimum 4 points on one side or a minimum 12-inch antler spread.

#### **(E) Broad River Waterfowl Management Area (Remove "Enoree River")**

#### **(V) Sand Hills State Forest WMA**

Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field Trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96. No man-drives allowed. No buckshot allowed.

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

(add "Hickory Top Greentree Reservoir")



DESIGNATED WATERFOWL AREAS

Hickory Top Greentree Reservoir      Closed to waterfowl hunting

**Statement of Need and Reasonableness:**

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

**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.

Filed: August 29, 2003, 10:45 am

Document No. 2864

**DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 123**

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

**Emergency Situation:**

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Santee State Park. Because the hunts begin on September 23 it is necessary to file these regulations as emergency so they take effect immediately.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2 (Y) Santee State Park WMA

Archery-Crossbow Deer Hunts	September 23-24	3 Deer Per Day, either-sex
	October 14-15	Maximum 1 buck per day
	November 4-5	
	November 18-19	
	December 5-6	
	December 16-17	

**Hunt Procedure/ Special Rules and Regulations**

1. All hunters are required to check-in and obtain a daily permit at the checkpoint at the park shop near the park crossroads each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check-in and present their hunting license for a daily permit. The checkpoint will be open on the

## 58 EMERGENCY REGULATIONS

day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00PM to 4:00PM.

2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to check-out in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles when parked on state park property. Do not park where a gate or road would be blocked. Designated parking areas will be shown on the hunt map.
5. Portable stands may be placed no earlier than Saturday before a scheduled Tuesday hunt date or no earlier than Tuesday for a scheduled Friday hunt date. All stands must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed. Only one stand per hunter allowed.
6. Only archery or crossbow equipment will be allowed. Only one weapon per person is allowed.
7. Crossbows can not be cocked and loaded until after the hunter is in their stand. The weapon must be uncocked and unloaded before the hunter leaves his stand and remain this way until placed in the vehicle.
8. Hunters must wear a hat, coat or vest of solid international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
9. Hunters may use bicycles to enhance hunter access.
10. Access by boats is not allowed.
11. Hunters will not be allowed to use ATV's.
12. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00AM to 3:00PM and after dark. You must notify PRT or DNR before a dog is used. This can be done when you check in to begin your hunt.
13. Camping is available at Santee State Park Reservations for individuals (2 nights minimum) can be made in advance.
14. The daily bag limit is 3 deer per day including no more than one antlered buck.
15. Field dressing of deer will not be allowed in the woods. An area near the checkpoint will be provided for field dressing of deer.
16. All harvested deer must be promptly brought to the check station at the park shop.
17. Firearms or alcoholic beverages are not allowed within the park.
18. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
19. All appropriate hunting licenses including a valid WMA Permit and Big Game Permit are required.

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

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow a special deer herd reduction hunt on Santee State Park. Because the hunts begin on September 23, it is necessary to file these regulations as emergency so they take effect immediately.

### **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.

Filed: August 19, 2003 4:25 pm

Document No. 2865  
**DEPARTMENT OF NATURAL RESOURCES**  
 CHAPTER 123  
 Statutory Authority: 1976 Code Section 50-11-105

**Emergency Situation:**

Chronic wasting disease (CWD) is a neurological disease of deer and elk and poses an unprecedented threat to North America's deer and elk populations. The disease invariably is fatal. It has a long incubation time, during which animals may not exhibit symptoms, and there is no diagnostic test for the disease in live animals. Should CWD be introduced into South Carolina, it poses significant risk to the white-tailed deer resource, the deer hunting, and the State's economy related to deer hunting. This regulation places restrictions on the importation of the whole carcass or carcass parts of cervids from a state or province with a documented occurrence of CWD. The regulation is necessary to prevent the possible spread of CWD into South Carolina. South Carolina Code Section 50-11-105 authorizes the department to promulgate regulations to prevent and control the spread of disease in wildlife, including restrictions on the movements or wildlife carcasses. Deer and elk seasons in states and provinces with documented cases of CWD will open in September 2003, and hunters from South Carolina may travel to these infected states to hunt deer and elk. Therefore, in order to protect the State's white-tailed deer resource, this emergency regulation is necessary immediately.

**123-54 Chronic Wasting Disease Import Regulations**

Section 1. Definitions.

- (1) "Cervid" means a member of the family Cervidae.
- (2) "Chronic wasting disease (CWD)" means a fatal neurological disease of cervids belonging to a group of diseases called transmissible spongiform encephalopathies.
- (3) "Clean" means having no meat or other tissues attached to the carcass part.
- (4) "Infected state" means a state of the United States or province of Canada that has a known case of chronic wasting disease.
- (5) "Importation" means the transportation of a cervid carcass or carcass part into this State.
- (6) "Whole" means the entire carcass whether eviscerated or not, prior to the carcass being processed.

Section 2. Prohibition on the Importation and Possession of a Whole Cervid Carcass or Carcass Part from an Infected State.

- (1) No person may import or possess a whole cervid carcass or carcass part from an infected state unless the carcass or part has been converted as specified in subsections (2) or (3) of this section
- (2) A person may import a cervid carcass or a carcass part from an infected state if:
  - (a) Quarters or other portions of meat have no part of the spinal column or head attached; or
  - (b) Meat has been boned out.
- (3) A person may import or possess the following inedible parts of a cervid carcass from an infected state:

## 60 EMERGENCY REGULATIONS

- (a) Antlers;
- (b) Antlers that are attached to a clean skull plate;
- (c) A clean skull;
- (d) Clean upper canine teeth;
- (e) A finished taxidermy product; or
- (f) The hide.

### Section 3. Penalty

The penalty for a violation of this regulation shall be as provided in Section 50-1-130.

### Statement of Need and Reasonableness:

This emergency regulation is needed to prevent the possible spread of CWD into South Carolina. Certain states have deer and elk populations infected with CWD and hunters from South Carolina travel to these states to hunt. Hunters may bring harvested animals from states with CWD into South Carolina, which may expose native deer and/or habitats to the CWD agent. Because deer and elk seasons in infected states may begin in September, these regulations must be filed as emergency regulations so they take effect immediately.

### Fiscal Impact Statement:

There is no cost associated with the implementation of this regulation. The regulation is for the purpose of protecting the State's white-tailed deer resource from CWD. The economics associated with deer hunting in South Carolina are approximately \$200 million in annual retail sales. CWD has caused significant impact to the economics associated with deer hunting in states where the disease has been detected. If CWD is introduced into South Carolina significant economic damage could result.

Filed: September 18, 2003, 3:49 pm

Document No. 2866

### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: S.C. Code Sections 50-15-30, 50-15-40 50-15-50 and 50-15-70

Non-Game and Endangered Species.

Birds, Fish, Reptiles, Amphibians and Mammals.

Spotted Turtle Program

### Synopsis:

These regulations amend Section 123-150.2 in Chapter 123 and create a new Section, 151.2 in this same Chapter.

Section 123-150.2 addresses additions official state list of Non-game Wildlife in Need of Management. The Yellowbelly Turtle, Florida Cooter, River Cooter, Chicken Turtle, Snapping Turtle, Florida Softshell Turtle, and Spiny Softshell Turtle are being added to this list.

Section 123-151.2 addresses establishment of a program to manage the take, possession and commercial trade in these newly listed freshwater turtle species.

**Instructions:**

Replace existing Section 123-150.2 of Chapter 123 with the following amended Sections and add Section 123-151.2 to Chapter 123.

**Text:**

Article 5  
Non-Game and Endangered Species

Reg.

123-150 Non-Game and Endangered Species.

123-150.2 Birds, Fish, Reptiles, Amphibians and Mammals.

123-151.1 Spotted Turtle Program.

**123-150. Non-Game and Endangered Species**

1. The following list of species or subspecies of non-game wildlife are faced with extinction in the foreseeable future and are added to the official State List of Endangered Wildlife Species of South Carolina.

I. Birds

1. American Peregrine Falcon (*Falco peregrinus anatum*)
2. Arctic Peregrine Falcon (*Falco peregrinus tundrius*)
3. Bachman's Warbler (*Vermivora bachmanii*)
4. Bewick's Wren (*Thryomanes bewickii*)
5. Eskimo Curlew (*Numenius borealis*)
6. Kirtland's Warbler (*Dendroica kirtlandii*)
7. Red-cockaded Woodpecker (*Picoides borealis*)
8. Swallow-tailed Kite (*Elanoides forficatus*)
9. Wood Stork (*Mycteria americana*)
10. Piping Plover (*Charadrius melodus*)
11. Southern Bald Eagle (*Haliaeetus leucocephalus*)

II. Fish

1. Shortnose Sturgeon (*Acipenser brevirostrum*)
2. Pinewoods Darter (*Etheostoma mariae*)

III. Mammals

1. Atlantic Right Whale (*Eubalaena glacialis*)
2. Blue Whale (*Balaenoptera musculus*)
3. Bowhead Whale (*Balaena mysticetus*)
4. Eastern Cougar (*Felis concolor cougar*)
5. Finback Whale (*Balaenoptera physalus*)
6. Florida Manatee (*Trichechus manatus*)
7. Humpback Whale (*Megaptera novaengliae*)
8. Indiana Bat (*Myotis sodalis*)
9. Sei Whale (*Balaenoptera borealis*)

## 62 EMERGENCY REGULATIONS

10. Sperm Whale (*Physeter catodon*)
11. Rafinesque's Big-eared Bat (*Plecotus rafinesquii*)

### IV. Reptiles

1. Atlantic Leatherback Turtle (*Dermochelys c. coriacea*)
2. Atlantic Ridley Turtle (*Lepidochelys kempii*)
3. Gopher Tortoise (*Gopherus polyphemus*)
4. Atlantic Hawksbill Sea Turtle (*Eretmochelys imbricata*)
5. Eastern Indigo Snake (*Drymarchon corais couperi*)

### V. Amphibians

1. Flatwoods Salamander (*Ambystoma cingulatum*)
2. Zigzag Salamander (*Plethodon dorsalis*)
3. Carolina Gopher Frog (*Rana c. capito*)

### VI. Molluscs

1. Atlantic Pigtoe Mussel (*Fusconaia masoni*)
2. Brother Spike Mussel (*Elliptio fraterna*)

2. It shall be unlawful for any person to take, possess, transport, export, process, sell, or offer for sale or ship, and for any common carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on the list of "Endangered Wildlife Species of South Carolina", except by permit for scientific and conservation purposes issued by the South Carolina Department of Natural Resources.

Permits for conservation purposes shall be issued only for relocation, if warranted, and the incidental take of Red-cockaded Woodpeckers as part of the statewide Habitat Conservation Plan for Safe Harbor and for other mitigation purposes approved by the U.S. Fish and Wildlife Service.

3. The penalty for the violation of this Rule and Regulation shall be that prescribed by 50-15-80, 1976 S.C. Code of laws.

## 123-150.2 Birds, Fish, Reptiles, Amphibians and Mammals

The following list of species or subspecies of non-game wildlife are considered to be threatened and are added to the official state list of Non-game Species in Need of Management.

### I. Birds

1. Bewick's Wren (*Thryomanes bewickii*)
2. Common Ground Dove (*Columbina passerina*)
3. Least Tern (*Sterna albifrons*)
4. Wilson's Plover (*Charadrius wilsonia*)

### II. Fish

1. Carolina Pygmy Sunfish (*Elassoma boehlkei*)
2. Broadtail Madtom (*Noturus sp.*)

## III. Reptiles

1. American alligator (*Alligator mississippiensis*)
2. Atlantic Loggerhead Sea Turtle (*Caretta caretta*)
3. Atlantic Green Sea Turtle (*Chelonia mydas*)
4. Coal Skink (*Eumeces anthracinus*)
5. Bog turtle (*Clemmys muhlenbergii*)
6. Spotted Turtle (*Clemmys guttata*)
7. Yellowbelly Turtle (*Trachemys scripta scripta*)
8. Florida Cooter (*Pseudemys floridana floridana*)
9. River Cooter (*Pseudemys concinna concinna*)
10. Chicken Turtle (*Deirochelys reticularia*)
11. Snapping Turtle (*Chelydra serpentina serpentina*)
12. Florida Softshell Turtle (*Apalone{Trionyx} ferox*)
13. Spiny Softshell Turtle (*Apalone{Trionyx} spinifera aspera*)

## IV. Amphibians

1. Dwarf Siren (*Pseudobranchius striatus*)
2. Pine Barrens Treefrog (*Hyla andersonii*)

## V. Mammals

1. Small-footed Bat (*Myotis leibii*)

**123-151.2 Regulations for Freshwater Turtles.**

## A. Freshwater Turtle program

1. It is unlawful for any person to sell, or take, transport or possess for commercial purposes, the following turtle species without a permit from the department:

- a. Yellowbelly Turtle
- b. Florida Cooter
- c. River Cooter
- d. Chicken Turtle
- e. Snapping Turtle
- f. Florida Softshell Turtle
- g. Spiny Softshell Turtle

## 64 FINAL REGULATIONS

**Document No. 2842**  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**

Statutory Authority: 1976 Code Section 44-55-50 et seq., and 44-87-10 et seq.

### 61-58. State Primary Drinking Water Regulations

#### Synopsis:

The Department of Health and Environmental Control has amended R.61-58, State Primary Drinking Water Regulations. This amendment was adopted by the Board of Health and Environmental Control on August 14, 2003. These regulations were promulgated to comply with federal law, are exempt from legislative review, and take effect upon publication in the *State Register* on August 22, 2003.

The regulations include requirements promulgated under the National Primary Drinking Water Regulations: Minor Revisions of the Public Notification Rule and Consumer Confidence Report Rule. This revision will make minor corrections to Appendix A to R.61-58.6: Violations and Other Situations requiring Public Notice; Appendix B to R.61-58.6: Standard Health Effects Language for Public Notification; and Appendix D to R.61-58.12: Consumer Confidence Reports: Regulated Contaminants. These changes include: correcting drinking water source information listed for copper, changing the placement of regulatory and health effects information for disinfection by-products (i.e., bromate, chloramines, chlorite, chlorine, and chlorine dioxide), and correcting the reference "chloride dioxide" to "chlorine dioxide." The Department is also amending the listing for three contaminants (i.e., bromate, chlorite, and total trihalomethanes) to correct source information given in Appendix D. These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The final rule for the National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule and the Consumer Confidence Report Rule was published in the November 27, 2002, *Federal Register*, with an effective date of December 27, 2002. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

#### Discussion of Revisions:

Tabular Summary of the proposed revisions to the State Primary Drinking Water Regulations.

The 'Item' column is a short description of the proposed changes to the existing regulation. Reference should be made to the appropriate Section for complete changes:

<u>Section</u>	<u>Item</u>
61-58.5(B)(2)	<b>Revises</b> MCL for Arsenic.
Appendix A to R.61-58.6	<b>Revisions</b> under the heading "Microbiological Contaminants" for the Filter Backwash Recycling Rule.
Appendix B to R.61-58.6	<b>Revises</b> Standard Health Effects Language for Di(2-ethylhexyl)adipate and Di(2-ethylhexyl)phthalate.
Appendix D to R.61-58.12	<b>Revises</b> MCL for Arsenic. <b>Additions</b> under the heading "Inorganic Contaminants" for Bromate, Chloramines, Chlorine, Chlorine dioxide and Chlorite. <b>Revisions</b> under the heading "Inorganic Contaminants" for Arsenic and Copper. <b>Revisions</b> under the heading "Synthetic Organic Contaminants Including Pesticides and Herbicides" for Di(2-ethylhexyl)adipate and Di(2-ethylhexyl)phthalate.



**Deletions** under the heading "Volatile Organic Contaminants" for Bromate, Chloramines, Chlorine, Chlorite and Chloride dioxide.

**Revisions** under the heading "Volatile Organic Contaminants" for TTHMs (Total Trihalomethanes).

**Instructions: Amend 61-58 pursuant to each individual instruction provided below.**

**Text of Amendment:**

**Revise 61-58./5B(2)(a) to read: (2)(b) through (o) remain unchanged)**

(a) Arsenic

0.010\*\*

**REPLACE APPENDIX A TO 61-58.6 TO READ:**

**APPENDIX A TO 61-58.6: VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE<sup>1</sup>**

CONTAMINANT	MCL/MRDL/TT/VIOLATIONS <sup>2</sup>		MONITORING & TESTING PROCEDURE VIOLATIONS	
	TIER OF PUBLIC NOTICE REQUIRED	CITATION	TIER OF PUBLIC NOTICE REQUIRED	CITATION
<b>I. Violations of the State Primary Drinking Water Violations (SPDWR):<sup>3</sup></b>				
<b>A. Microbiological Contaminants</b>				
1. Total coliform	2	61-58.5.F(1)	3	61-58.5.G(1) - (5)
2. Fecal coliform/E. coli	1	61-58.5.F(2)	<sup>4</sup> 1, 3	61-58.5.G(5)
3. Turbidity MCL	2	61-58.10.E, H, & I	3	61-58.10.F
4. Turbidity MCL (average of 2 days samples greater than 5 NTU)	<sup>5</sup> 2, 1	61-58.10.C, E, H & I	3	61-58.10.F
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	<sup>6</sup> 2, 1	61-58.10.C(i)(b) 61-58.10.C(3)(b) 61-58.10.F(2)(b), 61-58.10.E(1)(b), 61-58.10.E(2)(b), 61-58.10.E(3)(b), 61-58.10.E(4), 61-58.10.H(4)(a)(ii), 61-58.10.H(4)(b), 61-58.10.I(6)(b)	3	61-58.10.F  61-58.10.F(3) 61-58.10.H  61-58.10.I(7)(a) (i)-(iii) & (b)
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT).	2	61-58.10.B - E		61-58.10
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	<sup>7</sup> 2	61-58.10.B – E 61-58.10.I(1)-(7)	3	61-58.10.H(3), (5) 61-58.10.I(4) & (5) 61-58.10.I(7)
8. Filter Backwash Recycling Rule violations	2	61-58.10.J	3	61-58.10.J
9. Long Term 1 Enhanced Surface Water Treatment Rule Violations.	2	61-58.10.I(1)-(7)	3	61-58.10.I(4) & (5) 61-58.10.I(7)

## B. Inorganic Chemicals (IOCs)

1. Antimony	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
2. Arsenic	2	<sup>8</sup> 61-58.5.B(2)	3	<sup>9</sup> 61-58.5.C(7)
3. Asbestos (fibers >10µm)	2	61-58.5.B(2)	3	61-58.5.C(7), (8)
4. Barium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
5. Beryllium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
6. Cadmium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
7. Chromium (total)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
8. Cyanide	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
9. Fluoride	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
10. Mercury (inorganic)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
11. Nitrate	1	61-58.5.B(2)	<sup>10</sup> 1, 3	61-58.5.C(7), (10) 61-58.5.C(12)
12. Nitrite	1	61-58.5.B(2)	<sup>10</sup> 1, 3	61-58.5.C (7), (10), 61-58.5.C(12)
13. Total Nitrate and Nitrite	1	61-58.5.B(2)	3	61-58.5.C(7)
14. Selenium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
15. Thallium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)

## C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

1. Lead and Copper Rule (TT)	2	61-58.11.B - G	3	61-58.11.H - K
------------------------------	---	----------------	---	----------------

## D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
2. 2,4,5-TP (Silvex)	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
3. Alachlor	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
4. Atrazine	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
5. Benzo(a)pyrene (PAHs)	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
6. Carbofuran	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
7. Chlordane	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
8. Dalapon	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
9. Di (2-ethylhexyl) adipate	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
10. Di (2-ethylhexyl) phthalate	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
11. Dibromochloropropane	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
12. Dinoseb	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
13. Dioxin (2,3,7,8-TCDD)	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
14. Diquat	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
15. Endothall	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>

16. Endrin	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
17. Ethylene dibromide	<u>2</u>	<u>61-58.5.D</u>	<u>3</u>	<u>61-58.5.E(7)</u>
18. Glyphosate	2	61-58.5.D	3	61-58.5.E(7)
19. Heptachlor	2	61-58.5.D	3	61-58.5.E(7)
20. Heptachlor epoxide	2	61-58.5.D	3	61-58.5.E(7)
21. Hexachlorobenzene	2	61-58.5.D	3	61-58.5.E(7)
22. Hexachlorocyclo-pentadiene	2	61-58.5.D	3	61-58.5.E(7)
23. Lindane	2	61-58.5.D	3	61-58.5.E(7)
24. Methoxychlor	2	61-58.5.D	3	61-58.5.E(7)
25. Oxamyl (Vydate)	2	61-58.5.D	3	61-58.5.E(7)
26. Pentachlorophenol	2	61-58.5.D	3	61-58.5.E(7)
27. Picloram	2	61-58.5.D	3	61-58.5.E(7)
28. Polychlorinated biphenyls (PCBs)	2	61-58.5.D	3	61-58.5.E(7)
29. Simazine	2	61-58.5.D	3	61-58.5.E(7)
30. Toxaphene	2	61-58.5.D	3	61-58.5.E(7)

#### E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	61-58.5.N	3	61-58.5.O
2. Carbon tetrachloride	2	61-58.5.N	3	61-58.5.O
3. Chlorobenzene (monochlorobenzene)	2	61-58.5.N	3	61-58.5.O
4. o-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
5. p-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
6. 1,2-Dichloroethane	2	61-58.5.N	3	61-58.5.O
7. 1,1-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
8. cis-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
9. trans-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
10. Dichloromethane	2	61-58.5.N	3	61-58.5.O
11. 1,2-Dichloropropane	2	61-58.5.N	3	61-58.5.O
12. Ethylbenzene	2	61-58.5.N	3	61-58.5.O
13. Styrene	2	61-58.5.N	3	61-58.5.O
14. Tetrachloroethylene	2	61-58.5.N	3	61-58.5.O
15. Toluene	2	61-58.5.N	3	61-58.5.O
16. 1,2,4-Trichlorobenzene	2	61-58.5.N	3	61-58.5.O
17. 1,1,1-Trichloroethane	2	61-58.5.N	3	61-58.5.O
18. 1,1,2-Trichloroethane	2	61-58.5.N	3	61-58.5.O
19. Trichloroethylene	2	61-58.5.N	3	61-58.5.O
20. Vinyl chloride	2	61-58.5.N	3	61-58.5.O
21. Xylenes (total)	2	61-58.5.N	3	61-58.5.O

#### F. Radioactive Contaminants

1. Beta/photon emitters	2	61-58.5.H(4)	3	61-58.5.K(1),
-------------------------	---	--------------	---	---------------

2. Alpha emitters	2	61-58.5.H(3)	3	61-58.5.I.(3) 61-58.5.K(1), 61-58.5.I(2)
3. Combined radium (226 & 228)	2	61-58.5.H(2)	3	61-58.5.K(1), 61-58.5.I2)
4. Uranium	<sup>11</sup> 2	61-58.5.H(5)	<sup>12</sup> 3	61-58.5.K(1), 61-58.5.I(2)

**G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).<sup>13</sup>**

1. Total trihalomethanes (TTHMs)	2	<sup>14</sup> 61-58.5.L, 61-58.5.P	3	61-58.5.M 61-58.13.C(1), (2)
2. Haloacetic Acids (HAA5)	2	61-58.5.P	3	61-58.13.C(1), (2)
3. Bromate	2	61-58.5.P	3	61-58.13.C(1), (2)
4. Chlorite	2	61-58.5.P	3	61-58.13.C(1), (2)
5. Chlorine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
6. Chloramine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
7. Chlorine dioxide (MRDL) where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	61-58.5.Q, 61-58.13.D	2 <sup>15</sup> , 3	61-58.13.C(1), (3), 61-58.13.C(3)(b)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	<sup>16</sup> 1	61-58.5.Q, 61-58.13.D(3)	1	61-58.13.C(1), (3), 61-58.13.D(3)(b)
9. Control of DBP precursors--TOC (TT)	2	61-58.10.F(1), (2)	3	61-58.13.C(1), (4)
10. Bench marking and disinfection profiling.	N/A	N/A	3	61-58.10.G(3) 61-58.10.H(3) 61-58.10.I(4) & (5)
11. Development of monitoring plan	N/A	N/A	3	61-58.13.C(6)

**H. Other Treatment Techniques**

1. Acrylamide (TT)	2	61-58.5.AA	N/A	N/A
2. Epichlorohydrin (TT)	2	61-58.5.AA	N/A	N/A

**II. Unregulated Contaminant Monitoring:<sup>17</sup>**

A. Unregulated contaminants	N/A	N/A	3	61-58.5.T
B. Nickel	N/A	N/A	3	61-58.5.C(9), (17)

### III. Public Notification for Variances and Exemptions:

A. Operation under a variance or exemption	3	<sup>18</sup> 61-58.9	N/A	N/A
B. Violation of conditions of a variance or exemption	2	<sup>19</sup> 61-58.9	N/A	N/A

### IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	61-58.5.R	N/A	N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by Department	1	61-58.5.B(3)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	61-58.5.T	N/A	N/A
D. Waterborne disease outbreak	1	61-58.B(156) 61-58.10.C(3)(b)(ii)	N/A	N/A
E. Other waterborne emergency <sup>20</sup>	1	N/A	N/A	N/A
F. Other situations as determined by the Department	<sup>21</sup> 1, 2, 3	N/A	N/A	N/A

## Appendix A to R.61-58.6 - Endnotes

- <sup>1</sup>. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Department. The Department may, at its option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under R.61-58.6.E(2)(a) and (3)(a).
- <sup>2</sup>. MCL--Maximum contaminant level, MRDL--Maximum residual disinfectant level, TT--Treatment technique
- <sup>3</sup>. The term Violations of State Primary Drinking Water Regulations (SPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.
- <sup>4</sup>. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.
- <sup>5</sup>. Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.
- <sup>6</sup>. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) Interim Enhanced Surface Water Treatment Rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) are required to consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.
- <sup>7</sup>. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule, R.61-58.10.B - C become effective January 1, 2002 for surface water systems and ground water systems under the direct influence of surface water serving at least 10,000 persons. However, R.61-58.10.H(3) has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.
- <sup>8</sup>. The arsenic MCL citations are effective January 23, 2006. Until then the citations are R.61-58.5(B)(2).
- <sup>9</sup>. The arsenic Tier 3 violations MCL citations are effective January 23, 2006. Until then, the citations are R.61-58.C(7).
- <sup>10</sup>. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.
- <sup>11</sup>. The uranium MCL, Tier 2 violation citations are effective December 8, 2003 for all community water systems.
- <sup>12</sup>. The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.
- <sup>13</sup>. Community and non-transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.
- <sup>14</sup>. R.61-58.5.L will no longer apply after January 1, 2004.
- <sup>15</sup>. Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

<sup>16.</sup> If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

<sup>17.</sup> Some water systems must monitor for certain unregulated contaminants listed in R.61-58.5.T

<sup>18.</sup> This citation refers to R.61-58.9 require that ``a schedule prescribed ....for a public water system granted a variance [or exemption] shall require compliance by the system . . ."

<sup>19.</sup> In addition to R.61-58.9 specifies the items and schedule milestones that must be included in a variance for small systems.

<sup>20.</sup> Other waterborne emergencies require a Tier 1 public notice under R.61-58.6.E(2)(a) for situations that do not meet the definition of a waterborne disease outbreak given in R.61-58.B(156) but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

<sup>21.</sup> The Department may place other situations in any tier they believe appropriate, based on threat to public health.



**REPLACE APPENDIX B TO READ:**

**APPENDIX B TO R.61-58.6: STANDARD HEALTH EFFECTS LANGUAGE FOR PUBLIC NOTIFICATION**

Contaminant	MCLG <sup>1</sup> mg/L	MCL <sup>2</sup> mg/L	Standard health effects language for public notification
<b>State Primary Drinking Water Regulations (SPDWR):</b>			
<b>A. Microbiological Contaminants:</b>			
1a. Total coliform	Zero	See footnote <sup>3</sup>	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) <sup>4</sup>	None	1 NTU <sup>5/5</sup> NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) <sup>6</sup>	None	TT <sup>7</sup>	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT)	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
<b>B. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) and Filter Backwash Recycling Rule (FBRR) violations:</b>			
3. <i>Giardia lamblia</i> (SWTR/IESWTR/LT1ESWTR)	Zero	TT <sup>10</sup>	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

4. Viruses (SWTR/IESWTR/LT1ESWTR)  
 5. Heterotrophic plate count (HPC) bacteria<sup>9</sup>  
 (SWTR/IESWTR/LT1ESWTR).  
 6. *Legionella* (SWTR/IESWTR/LT1ESWTR).  
 7. *Cryptosporidium*  
 (IESWTR/FBRR/LT1ESWTR).

### C. Inorganic Chemicals (IOCs):

8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic <sup>11</sup>	Zero	0.010	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 µm)	7 MFL <sup>12</sup>	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
13. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

22. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
--------------	--------	-------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

**D. Lead and Copper Rule:**

23. Lead	Zero	TT <sup>13</sup>	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
24. Copper	1.3	TT <sup>14</sup>	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

---

**E. Synthetic Organic Chemicals (SOCs):**

25. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with kidneys, liver, or adrenal glands.
26. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
27. Alachlor	Zero	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
28. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
29. Benzo(a)pyrene (PAHs)	Zero	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could minor kidney changes.

33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement or possible reproductive difficulties.
34. Di (2-ethylhexyl) phthalate	Zero	0.006	Some people who drink water containing di(2-ethylhexyl) phthalate well in excess of the MCL many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).	Zero	$3 \times 10^{-8}$	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
39. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclo pentadiene	0.05	0.05	Some people who drink water containing Hexachlorocyclo-pentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
50. Pentachlorophenol	Zero	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs).	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

#### F. Volatile Organic Chemicals (VOCs):

55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
59. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
70. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

### G. Radioactive Contaminants:

76. Beta/photon emitters	Zero	4 mrem/yr <sup>15</sup>	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L <sup>16</sup>	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 & 228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

79. Uranium <sup>17</sup>	Zero	30µg/L	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
---------------------------	------	--------	-------------------------------------------------------------------------------------------------------------------------------------------------------

**H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs):<sup>18</sup>**

80. Total trihalomethanes (TTHMs)	N/A	0.10/0.08017 <sup>19/20</sup>	Some people who drink water containing trihalomethanes excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 <sup>21</sup>	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drinking water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) <sup>22</sup>	4.0 (MRDL) <sup>23</sup>	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL.	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine dioxide in excess of a the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine ioxide in excess of the MRDL. Some people may experience anemia. <b>Add for public notification only:</b> The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.
86b. Chlorine dioxide, where one or more water distribution system are above the MRDL	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink containing chlorine dioxide in excess of the MRDL could experience nervous effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia. <b>Add for public notification only:</b> The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.

87. Control of DBP precursors (DBP)	None	TT	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
-------------------------------------	------	----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**I. Other Treatment Techniques:**

88. Acrylamide	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix B to R.61-58.6 - endnotes

<sup>1</sup>. MCLG - Maximum contaminant level goal

<sup>2</sup>. MCL - Maximum contaminant level

<sup>3</sup>. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

<sup>4</sup>. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, the 1998 Interim Enhanced Surface Water Treatment Rule, and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration.

<sup>5</sup>. NTU - Nephelometric turbidity unit

<sup>6</sup>. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule. Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Department.

<sup>7</sup>. TT - Treatment technique

<sup>8</sup>. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR), and the 2001 Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department. For systems subject to the LT1ESWTR (systems serving fewer than 10,000 people, using surface water or ground water under the direct influence of surface water) that use conventional filtration or direct filtration, after January 14, 2005 the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at



least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department.

<sup>9</sup> The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

<sup>10</sup> SWTR, IESWTR, and LT1ESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

<sup>11</sup> These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

<sup>12</sup> Millions fibers per liter.

<sup>13</sup> Action Level = 0.015 mg/L

<sup>14</sup> Action Level = 1.3 mg/L

<sup>15</sup> Millirems per years

<sup>16</sup> Picocuries per liter

<sup>17</sup> The uranium MCL is effective December 8, 2003 for all community water systems.

<sup>18</sup> Surface water systems and ground water systems under the direct influence of surface water are regulated under R.61-58.10 Community and non-transient non-community systems serving greater than 10,000 must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

<sup>19</sup> The MCL of 0.10 mg/L for TTHMs is in effect until January 1, 2002 for community water community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/L. On January 1, 2004, all systems serving less than 10,000 will have to comply with the new MCL as well.

<sup>20</sup> The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

<sup>21</sup> The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

<sup>22</sup> MRDLG--Maximum residual disinfectant level goal.

<sup>23</sup> MRDL--Maximum residual disinfectant level.

**REPLACE APPENDIX D TO READ:**

**APPENDIX D TO R.61-58.12: CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS**

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
---------------------	----------------------------	---------------------------------------	---------------------	------	------------------------------------	-------------------------

**Microbiological contaminants:**

Total Coliform Bacteria	MCL: (systems that collect $\geq 40$ samples/month) 5% of monthly samples are positive; (systems that collect $< 40$ samples/month) 1 positive monthly sample.	MCL: (systems that collect $\geq 40$ samples/month) 5% of monthly samples are positive; (systems that collect $< 40$ samples/month) 1 positive monthly sample.	0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and E. coli	0	0	0	Human and animal fecal waste	Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT	TT	N/A	Naturally present	Total organic carbon (TOC) has no health effects. However, total in the environment organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT	TT	N/A	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and

associated headaches.

**Radioactive contaminants:**

Beta/photon emitters (mrem/yr)	4 mrem/yr		4	N/A	Decay of natural and man-made deposits.	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/L)	15 pCi/L		15	N/A	Erosion of natural deposits.	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/L)	5 pCi/L		5	N/A	Erosion of natural deposits.	Some people who drink water containing radium-226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/L)	30 µg/L		30	0	Erosion of natural deposits.	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk getting cancer and kidney toxicity.

**Inorganic contaminants:**

Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb)	<sup>1</sup> 0.010	1000	<sup>1</sup> 10.	<sup>1</sup> 0	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL)	7 MFL		7	7	Decay of asbestos cement water mains; production wastes; erosion of natural deposits.	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

Barium (ppm)	2		2	2	Discharge of drilling; wastes; Discharge from metal refineries; Erosion of natural deposits.	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions
Bromate (ppb)	.010	1000	10	0	By-product of drinking water chlorination.	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints.	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chloramines (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes.	Some people who use water containing chloramines well in excess of the MRDL could experience irritating to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorite (ppm)	1		1	0.8	By-product of drinking water chlorination.	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp; mills; Erosion of Natural deposits.	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm)	AL=1.3		AL=1.3	1.3	Corrosion of household plumbing. Erosion of natural deposits.	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories.	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

Fluoride (ppm)	4		4	4	Erosion of natural deposits; Water additive which promotes strong teeth Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; discharge from refineries and factories; Runoff from landfills; Runoff from cropland.	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage
Nitrate (ppm)	10		10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1		1	1	Runoff from fertilizer use; Leaching from septic tanks sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

---

**Synthetic organic contaminants including pesticides and herbicides:**

2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops.	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT		TT	0	Added to water during sewage/ wastewater treatment.	Some people who drink water containing high levels of acrylamide over a long period of time could have an increased problems with their nervous system or blood, and may have risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops.	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops.	Some people who drink water containing atrazine well in excess of the MCL over many years could experience on problems with their cardiovascular system or reproductive difficulties.

Benzo(a)pyrene [PAH] (nanograms/l).	.0002	1,000,000	200	0	Leaching from linings of water storage tanks distribution lines.	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa.	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way.	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb).	.4	1000	400	400	Discharge from chemical factories.	Some people who drink water containing di(2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement or possible reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb).	.006	1000	6	0	Discharge from rubber and chemical factories.	Some people who drink water containing di(2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables.	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.



Dioxin [2,3,7,8-TCDD] (ppq).	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories.	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use.	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin.	TT		TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals.	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries.	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide.	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor.	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories.	Some people who drink water containing Hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects and may have an increased risk of getting cancer
Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples potatoes and tomatoes.	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
PCBs [Polychlorinated biphenyls] (ppt).	.0005	1,000,000	500	0	Runoff from landfills Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle.	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer
-----------------	------	------	---	---	-------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

---

**Volatile organic contaminants:**

Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills.	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities.	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with in their liver and may have an increased risk of getting cancer.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories.	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories.	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb).	.1	1000	100	10	Discharge from industrial chemical factories.	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increase risk of getting cancer.
1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-Dichloropropane excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries.	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb).	.060	1000	60	N/A	By-product of drinking water disinfection.	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories and leaching from landfills.	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners.	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories.	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories.	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience liver, problems with their nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb).	.005	1000	5	3	Discharge from industrial chemical factories.	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver; kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	0.10/.080	1000	100/80	N/A	By-product of drinking water disinfection.	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1		1	1	Discharge from petroleum factories.	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from from plastics factories.	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm)	10		10	10	Discharge from petroleum factories; Discharge from chemical factories.	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

**Key:**

AL=Action Level  
Level

MCLG=Maximum Contaminant Level Goal

MRDL=Maximum Residual Disinfectant Level

mrem/year=millirems per year (a measure of radiation absorbed by the body)

MCL=Maximum Contaminant

MFL=million fibers per liter

MRDLG=Maximum Residual Disinfectant Level Goal

N/A=Not Applicable

Units (a measure of water clarity)

pCi/l=picocuries per liter (a measure of radioactivity)

ppb=parts per billion, or micrograms per liter ( $\mu\text{g/l}$ )

ppq=parts per quadrillion, or picograms per liter

NTU=Nephelometric Turbidity

ppm=parts per million, or milligrams per liter (mg/L)

ppt=parts per trillion, or nanograms per liter

TT=Treatment Technique

#### **Appendix D to R.61-58.12 - endnotes**

<sup>1</sup> These arsenic values are effective January 23, 2006. Until then, the MCL is 0.05 mg/L and there is no MCLG.

**Statement of Need and Reasonableness:**

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

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

**Purpose:** To amend R.61-58 to adopt federal regulations commonly referred to as the Public Notification Rule, the Consumer Confidence Report Rule and the Arsenic Rule. These revisions will comply with federal law and will maintain conformity with federal regulations pursuant to 40 CFR Parts 141 and 142 through 2002.

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

**Plan for Implementation:** The amendments will be incorporated within R.61-58. The amendments will be implemented in the same manner in which the existing regulation is implemented.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The adoption of these regulatory revisions will allow the Department to continue being the primacy agency for the implementation of the Safe Drinking Water Act and the National Primary Drinking Water Regulations in the State. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The regulations will comply with 40 CFR Parts 141 and 142 and are necessary to maintain conformity with federal regulations.

**DETERMINATION OF COSTS AND BENEFITS:** The amendments are exempt from the requirements of a preliminary fiscal impact statement because each change is necessary to maintain conformity with federal regulations. In amending the federal regulations for public water systems, there will be no change in the estimated costs of complying with the Public Notification Rule, the Consumer Confidence Report Rule, or the Arsenic Rule. These revisions do not change either the frequency of reports or the regulatory burden of public notification.

**UNCERTAINTIES OF ESTIMATES:** Unknown.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** Minimal.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** There will be no adverse effect on the environment if the amendments are not implemented by the Department. However, failure of the Department to adopt the federal regulations could result in the Department losing primacy to enforce the Safe Drinking Water Act and the National Primary Drinking Water Regulations.