

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 803-212-4500.

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

STEPHEN T. DRAFFIN, DIRECTOR
ANNE F. CUSHMAN, EDITOR
DEIRDRE BREVARD-SMITH, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

Published March 28, 2008

Volume 32 Issue No. 3

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.

2008 PUBLICATION SCHEDULE

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

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

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/11	2/8	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/25	2/22	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) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run

concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$100.00. 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 \$100.00 per subscription. Checks payable to: Legislative Council)	
	Electronic
	Printed

Mail this form to:
South Carolina State Register
Deirdre Brevard-Smith, Associate Editor
P.O. Box 11489
Columbia, SC 29211
Telephone: (803) 212-4500

REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Status and Legislative Review Expiration Dates1
 Committee List of Regulations Submitted to General Assembly2

EXECUTIVE ORDERS

Executive Order No. 2008-03 Order Removing State Ports Authority Member3
 Executive Order No. 2008-04 Placing Emergency Operations Plan in Effect Due
 to Severe Weather4

NOTICES

BUDGET AND CONTROL BOARD

Enforcement and Interpretation of Building Codes Applicable to State Buildings5
Research and Statistics, Office of
 Adjustments for the Debtor’s Aggregate Interest6

CONSUMER AFFAIRS, DEPARTMENT OF

Dollar Amount Adjustments6

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Amend Air Quality State Implementation Plan7
 Certification of Need9
 Greenwood Commissioners of Public Works Class I Interbasin Transfer Application11
 Underground Storage Tanks12

NATURAL RESOURCES, DEPARTMENT OF

State Scenic River Designation13

DRAFTING NOTICES

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Air Pollution Control Regulations and Standards 14
 X-rays (Title B) 14

LABOR, LICENSING, AND REGULATION, DEPARTMENT OF

Fire Marshal, Office of State

Fire Prevention and Life Safety (71-8300.1 through 71-8300.15) 15
 Fire Prevention and Life Safety (71-8301.1 through 71-8301.6) 15
 Fire Prevention and Life Safety (71-8302.1 through 71-8302.25) 16
 Fire Prevention and Life Safety (71-8303.1) 16
 Fire Prevention and Life Safety (71-8304.1) 17
 Fire Prevention and Life Safety (71-8305.1 through 71-8305.11) 17
 Fire Prevention and Life Safety (71-8306.1 through 71-8306.2) 18

TABLE OF CONTENTS

LAW ENFORCEMENT DIVISION, STATE

Statewide Criminal Gang Database 18

NATURAL RESOURCES, DEPARTMENT OF

Species or Subspecies of Non-game Wildlife..... 19

PROPOSED REGULATIONS

EDUCATION, STATE BOARD OF

Document No. 3209 Operation of Public Pupil Transportation Services 20

HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF

Document No. 3210 Licensing of Onsite Wastewater System Master Contractors..... 22

FINAL REGULATIONS

AGRICULTURE, DEPARTMENT OF

Document No. 3123 Gasoline, Lubricating Oils and Other Petroleum Products..... 26

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.scstatehouse.net

DOC NO.	RAT NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
3119		SR32-2	Educational Requirements	1/13/08	LLR - Real Estate Appraisers Board
3116		SR32-2	Malpractice Insurance Claims	1/20/08	Department of Insurance
3117		SR32-2	Workers' Compensation Assigned Risk Rates	1/20/08	Department of Insurance
3109		SR32-2	Property Tax	1/29/08	Department of Revenue
3110		SR32-2	Restocking Fees	1/29/08	Department of Revenue
3113			Solid Waste Management	3/26/08	Department of Health and Envir Control
3122			Wildlife Management Area Regulations	4/13/08	Department of Natural Resources
3125			Driver Schools and Truck Driver Training Schools	5/07/08	Department of Public Safety
3112			Environmental Protection Fees	5/07/08	Department of Health and Envir Control
3114			Tanning Facilities	5/07/08	Department of Health and Envir Control
3126			Motor Carrier Regulations	5/07/08	Public Service Commission
3133			Weights and Measures	5/07/08	Department of Agriculture
3123	R200	SR32-3	Gasoline, Lubricating Oils and Other Petroleum Products	5/07/08	Department of Agriculture
3124			Eligible Telecommunications Carrier	5/07/08	Public Service Commission
3134			Standards for Licensing Nursing Homes	5/07/08	Department of Health and Envir Control
3128			Electric Systems and Gas Systems	5/07/08	Public Service Commission
3141			Wildlife Management Area Regulations	5/07/08	Department of Natural Resources
3143			Free Tuition for Residents Sixty Years of Age	5/07/08	Commission on Higher Education
3135			Chapter Revision (136-001 through 136-799)	5/07/08	LLR - Commissioners of Pilotage
3174			SC Procurement Regulations - Pre-Bid Conferences	5/07/08	Budget and Control Board
3175			SC Procurement Regulations	5/07/08	Budget and Control Board
3149			Environmental Electronic Reporting Requirements	5/07/08	Department of Health and Envir Control
3152			Underground Storage Tank Control Regulations	5/07/08	Department of Health and Envir Control
3151			South Carolina Birth Defects Program	5/07/08	Department of Health and Envir Control
3138			Free Textbooks	5/08/08	State Board of Education
3139			Ice	5/08/08	Department of Health and Envir Control
3137			School-To-Work Transition Act	5/09/08	State Department of Education
3155			Water Pollution Control Permits	5/09/08	Department of Health and Envir Control
3154			Individual Sewage Treatment and Disposal Systems	5/09/08	Department of Health and Envir Control
3181			Barrier Free Building Design	5/10/08	LLR - Building Codes Council
3182			Building Code Repeals	5/10/08	LLR - Building Codes Council
3183			Modular Building Construction Act	5/10/08	LLR - Building Codes Council
3184			Restructuring ATF Regulations - Pyrotechnic Safety	5/10/08	LLR - Board of Pyrotechnic Safety
3150			Hazardous Waste Management	5/10/08	Department of Health and Envir Control
3165			Transportation Project Prioritization	5/13/08	Department of Transportation
3166			SCDOT Chief Internal Auditor	5/13/08	Department of Transportation
3167			SCDOT Commission Approval of Actions	5/13/08	Department of Transportation
3168			SCDOT Secretary of Transportation Approval of Actions	5/13/08	Department of Transportation
3111			Coastal Division Regulations	5/13/08	Department of Health and Envir Control
3129			Licensing Criteria	5/14/08	Commission on Higher Education
3170			Nonpublic Postsecondary Inst. Licensing - Bond Funds	5/14/08	Commission on Higher Education
3161			Water Classifications and Standards	5/16/08	Department of Health and Envir Control
3179			Data Reporting Requirements - S.C. Hospitals	5/16/08	Budget and Control Board
3160			Shellfish	5/16/08	Department of Health and Envir Control
3162			Standards of Performance for Asbestos Projects	5/22/08	Department of Health and Envir Control
3180			Actuarial Opinion and Memorandum Regulation	5/30/08	Department of Insurance
3178			Data Reporting Requirements - Ambulatory Data	5/31/08	Budget and Control Board
3172			SC Residency Program	6/04/08	Commission on Higher Education
3173			SC HOPE Scholarship	6/04/08	Commission on Higher Education
3185			SC Need-based Grants Program	6/04/08	Commission on Higher Education
3158			Sales Tax	6/04/08	Department of Revenue
3159			Accommodation	6/04/08	Department of Revenue
3163			Sales Tax	6/04/08	Department of Revenue
3164			Communications Services	6/04/08	Department of Revenue
3195			Prequalification of Bidders	6/04/08	Department of Transportation
3193			Practice of Dietetics within the State of SC	1/17/09	LLR - Panel for Dietetics
3189			Food Tax	1/27/09	Department of Revenue
3191			Advanced Placement	2/01/09	State Board of Education
3192			Requirements for Additional Areas of Certification	2/01/09	State Board of Education

Committee Requested Withdrawal:

3127 Chapter Revision LLR - Veterinary Medical Examiners

Permanently Withdrawn:

3118 Mobile Dental Facilities and Portable Dental Operations LLR: Board of Dentistry

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

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.scstatehouse.net

DOC COMMITTEE No.	SUBJECT	HOUSE COMMITTEE	SENATE
3119	Educational Requirements	Labor, Commerce and Industry	Labor, Commerce and Industry
3116	Malpractice Insurance Claims	Labor, Commerce and Industry	Banking and Insurance
3117	Workers' Compensation Assigned Risk Rates	Labor, Commerce and Industry	Banking and Insurance
3109	Property Tax	Ways and Means	Finance
3110	Restocking Fees	Ways and Means	Finance
3113	Solid Waste Management	Agriculture and Natural Resources	Medical Affairs
3122	Wildlife Management Area Regulations	Agriculture and Natural Resources	Fish, Game and Forestry
3125	Driver Schools and Truck Driver Training Schools	Education and Public Works	Judiciary
3112	Environmental Protection Fees	Agriculture and Natural Resources	Agriculture and Natural Resources
3114	Tanning Facilities	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
3126	Motor Carrier Regulations	Labor, Commerce and Industry	Judiciary
3133	Weights and Measures	Agriculture and Natural Resources	Agriculture and Natural Resources
3123	Gasoline, Lubricating Oils and Other Petroleum Products	Agriculture and Natural Resources	Agriculture and Natural Resources
3124	Eligible Telecommunications Carrier	Labor, Commerce and Industry	Judiciary Committee
3134	Standards for Licensing Nursing Homes	Medical, Military, Pub & Mun Affairs	Medical Affairs
3128	Electric Systems and Gas Systems	Labor, Commerce and Industry	Judiciary
3141	Wildlife Management Area Regulations	Agriculture and Natural Resources	Fish, Game and Forestry
3143	Free Tuition for Residents Sixty Years of Age	Education and Public Works	Education
3135	Chapter Revision (136-001 through 136-799)	Labor, Commerce and Industry	Transportation
3174	SC Procurement Regulations - Pre-Bid Conferences	Ways and Means	Finance
3175	SC Procurement Regulations	Ways and Means	Finance
3149	Environmental Electronic Reporting Requirements	Agriculture and Natural Resources	Medical Affairs
3152	Underground Storage Tank Control Regulations	Agriculture and Natural Resources	Medical Affairs
3151	South Carolina Birth Defects Program	Agriculture and Natural Resources	Medical Affairs
3138	Free Textbooks	Education and Public Works	Invitations
3139	Ice	Agriculture and Natural Resources	Medical Affairs
3137	School-To-Work Transition Act	Education and Public Works	Education
3155	Water Pollution Control Permits	Agriculture and Natural Resources	Medical Affairs
3154	Individual Sewage Treatment and Disposal Systems	Agriculture and Natural Resources	Medical Affairs
3181	Barrier Free Building Design	Labor, Commerce and Industry	Labor, Commerce and Industry
3182	Building Code Repeals	Labor, Commerce and Industry	Labor, Commerce and Industry
3183	Modular Building Construction Act	Labor, Commerce and Industry	Labor, Commerce and Industry
3184	Restructuring ATF Regulations - Pyrotechnic Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
3150	Hazardous Waste Management	Agriculture and Natural Resources	Medical Affairs
3165	Transportation Project Prioritization	Education and Public Works	Transportation
3166	SCDOT Chief Internal Auditor	Education and Public Works	Transportation
3167	SCDOT Commission Approval of Actions	Education and Public Works	Transportation
3168	SCDOT Secretary of Transportation Approval of Actions	Education and Public Works	Transportation
3111	Coastal Division Regulations	Agriculture and Natural Resources	Agriculture and Natural Resources
3129	Licensing Criteria	Education and Public Works	Education
3170	Nonpublic Postsecondary Inst. Licensing - Bond Funds	Education and Public Works	Education
3161	Water Classifications and Standards	Agriculture and Natural Resources	Medical Affairs
3179	Data Reporting Requirements - S.C. Hospitals	Medical, Military, Pub & Mun Affairs	Medical Affairs
3160	Shellfish	Agriculture and Natural Resources	Fish, Game and Forestry
3162	Standards of Performance for Asbestos Projects	Agriculture and Natural Resources	Medical Affairs
3180	Actuarial Opinion and Memorandum Regulation	Labor, Commerce and Industry	Banking and Insurance
3178	Data Reporting Requirements - Ambulatory Data	Medical, Military, Pub & Mun Affairs	Medical Affairs
3172	SC Residency Program	Education and Public Works	Education
3173	SC HOPE Scholarship	Education and Public Works	Education
3185	SC Need-based Grants Program	Education and Public Works	Education
3158	Sales Tax	Ways and Means	Finance
3159	Accommodation	Ways and Means	Finance
3163	Sales Tax	Ways and Means	Finance
3164	Communications Services	Ways and Means	Finance
3195	Prequalification of Bidders	Ways and Means	Transportation
3193	Practice of Dietetics within the State of SC	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
3189	Food Tax	Ways and Means	Finance
3191	Advanced Placement	Education and Public Works	Education
3192	Requirements for Additional Areas of Certification	Education and Public Works	Education

Committee Requested Withdrawal:

3127 Chapter Revision Medical Affairs

Permanently Withdrawn:

3118 Mobile Dental Facilities and Portable Dental Operations Medical, Military, Pub & Mun Affairs Medical Affairs

Executive Order No. 2008-03

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

WHEREAS, membership on the Board of the South Carolina State Ports Authority is a state office appointed by the Governor that is not listed among the exempt state offices enumerated in Section 1-3-240(C) of the South Carolina Code of Laws; and

WHEREAS, Carroll A. Campbell, III of Columbia, Richland County, South Carolina, was previously appointed to the Board on June 4, 2003; and

WHEREAS, S. Richard Hagins of Simpsonville, Greenville County, South Carolina, is a fit and proper person to serve as a member of the Board of the South Carolina State Ports Authority.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby remove Carroll A. Campbell, III from the Board of the South Carolina State Ports Authority and declare the seat previously held by Carroll A. Campbell, III to be vacant.

FURTHER, I hereby appoint on an interim basis S. Richard Hagins to replace Carroll A. Campbell, III as a member of the Board of the South Carolina State Ports Authority pursuant to Section 1-3-210 of the South Carolina Code of Laws.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF JANUARY, 2008.**

**MARK SANFORD
Governor**

4 EXECUTIVE ORDERS

Executive Order No. 2008-04

WHEREAS, on Saturday, March 15, 2008, severe weather impacted the State of South Carolina, resulting in high winds, large hail, and numerous tornado touchdowns; and

WHEREAS, this severe weather and ensuing tornado activity resulted in downed trees, blocked roads, power outages, residential and commercial property damage; and

WHEREAS, damage assessments that began on March 16, 2008, are continuing in order to determine the exact extent of damages.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct that the South Carolina Emergency Operations Plan be placed in effect to support the responsibilities and tasks as warranted by these conditions. I further direct that state agencies, as directed by the Emergency Management Division, take necessary and prudent actions within their capabilities to assist the citizens of this State in their recovery efforts.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF MARCH, 2008.**

**MARK SANFORD
Governor**

BUDGET AND CONTROL BOARD**NOTICE**

This notice is published pursuant to Sections 1-23-40(2) and 1-34-30(A).

Section 10-1-180 charges the State Engineer with the enforcement and interpretation of building codes applicable to state buildings. Section 1-34-30(A) requires that an agency adopt the latest edition of all nationally recognized codes which the agency is charged by statute with enforcing and allows the agency to propose such adoption by publishing a notice in the State Register.

The State Engineer proposes to adopt the below listed codes, edition noted, effective June 30, 2008. Consistent with Section 10-1-180, information regarding the adoption of these codes, including the code editions, revision years, and any deletions, will be published in the Manual For Planning and Execution of State Permanent Improvements.

The predecessors of these codes were originally adopted pursuant to enactments of the General Assembly now codified as Section 10-1-180, with information regarding the code editions, revision years, and any deletions appearing in the Manual For Planning and Execution of State Permanent Improvements.

Interested persons are invited to submit comments concerning particular sections of the proposed edition. Comments should be sent to John White, State Engineer, Office of the State Engineer, 1201 Main Street, Suite 600, Columbia, SC 29201.

International Building Code (IBC), 2006 Edition
International Existing Building Code (IEBC), 2006 Edition
International Fire Code (IFC), 2006 Edition
International Energy Conservation Code (IECC), 2006 Edition
International Fuel Gas Code (IFGC), 2006 Edition
International Mechanical Code (IMC), 2006 Edition
International Plumbing Code (IPC), 2006 Edition
International Private Sewage Disposal Code (IPSDC), 2006 Edition
International Property Maintenance Code (IPMC), 2006 Edition,
International Residential Code for One and Two Family Dwellings (IRC), 2006 Edition
International Wildland – Urban Interface Code (Iuwic), 2006 Edition
International Code Council Electric Code, 2006 Edition
International Code Council Performance Code (ICCPC), 2006 Edition

The following organization issued the above listed nationally recognized codes:

International Code Council Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 2001-2070

6 NOTICES

National Electrical Code (NEC) [NFPA-70], 2005 Edition

The following organization issued the above listed nationally recognized code:

National Fire Protection Association
1 Battery March Park
Quincy, MA 02269

National Electrical Safety Code, ANSI/IEEE-C2-2002 Edition

The following organization issued the above listed nationally recognized code:

IEEE
3 Park Avenue, 17th Floor
New York, NY 10016-5997

BUDGET AND CONTROL BOARD OFFICE OF RESEARCH AND STATISTICS

NOTICE

Pursuant to the South Carolina Code of Laws, Section 15-41-30, the Economic Research Section of the Office of Research and Statistics of the Budget and Control Board has determined the adjustments for the debtor's aggregate interest in subsection (1) of this section that will become effective July 1 2008. In accordance with this requirement, and using a 2.9 percent change in the Southeastern Consumer Price Index for calendar years 2006 and 2007, the debtors aggregate interest may not exceed \$51,450 (formerly \$50,000), and the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not exceed \$102,900 (formerly \$100,000). As stated in the law, all figures are rounded to the nearest twenty-five dollars.

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE

The Administrator of the Department of Consumer Affairs announces changes in Dollar Amounts in Regulation 28-62, pursuant to Sections 37-1-109 and 37-6-104(1)(e). The changes will adjust certain dollar amounts in the Consumer Protection Code which are subject to change on July 1 of every even numbered year based on the changes in the Consumer Price Index for December of the prior year. The dollar amounts will increase 10% from the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2) which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1). The designated dollar amount figures are Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-(104(1)(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-102(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 1 of Act No. 82 of 2001, the Department is required to announce these changes by publication in the State Register by April 30 of each even numbered year. Section 1 of Act No. 42 of 2003, added Sections 37-10-103 and 37-23-80 to the amounts subject to change.

Section		Change Dollar Amount	
		From	To
		7/1/2006 to 6/30/2008	7/1/2008 to 6/30/2010
2.104(1)(e)	Consumer Credit Sale	77,500.00	82,500.00
2.106(1)(b)	Consumer Lease	77,500.00	82,500.00
2.203(1)	Delinquency Charge – Sales	15.50	16.50
2.203(2)	Minimum Delinquency Charge	6.20	6.60
2.407(1)	Security Interest – Sales	930.00	990.00
		3,100.00	3,300.00
2.705(1)(a)	Delinquency Charge – Rental Purchase	8.80	9.20
2.705(1)(b)	Delinquency Charge – Rental Purchase	4.60	5.00
3.104(1)(d)	Consumer Loans	77,500.00	82,500.00
3.203(1)	Delinquency Charge – Loans	15.50	16.50
3.203(2)	Minimum Delinquency	6.20	6.60
3.510	Land as Security – Supervised Loans	3,100.00	3,300.00
3.511	Maximum Loan Term	930.00	990.00
		3,100.00	3,300.00
3.514	Attorney’s Fees – Supervised Loans	3,100.00	3,300.00
5.103(2), (3) & (4)	Deficiency Judgment	4,650.00	4,950.00
10.103	Prepayment Penalty	180,000.00	210,000.00
23.80	Prepayment Penalty	180,000.00	210,000.00

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

NOTICE TO AMEND AIR QUALITY STATE IMPLEMENTATION PLAN

The South Carolina Department of Health and Environmental Control (the Department) is proposing to amend the South Carolina Air Quality State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA). Interested persons are invited to present their views in writing to Maeve S.R. Mason, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by April 28, 2008, the close of the drafting comment period. The Department is also conducting a public hearing on this issue. The hearing will be held on April 28, 2008, at 10:00 am in Room 3141 of the Aycock Building, 2600 Bull Street, Columbia, South Carolina. The public is invited to attend.

8 NOTICES

Synopsis:

On September 27, 1996, a Memorandum of Agreement (MOA), negotiated between the Department and the South Carolina Department of Transportation (SC DOT), was published in the South Carolina State Register. The purpose of the MOA was to formally incorporate the applicable provisions of the transportation conformity review process in accordance with the requirements of the Federal Clean Air Act Amendments (CAAA), as promulgated by the EPA on November 24, 1993 (58 FR 62188) in 40 CFR Part 51, Subpart T, and as amended August 7, 1995 (60 FR 40098), and November 14, 1995 (60 FR 57179). Under those authorities, no department, agency, or instrumentality of the Federal government or a State government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity that does not conform to the SIP. The transportation conformity rule requires Federal and State agencies to determine, prior to taking any action on transportation plans, programs, and projects, that such action will conform to a SIP to maintain the National Ambient Air Quality Standards (NAAQS). The transportation conformity regulation applies only to areas that are designated nonattainment or maintenance for any of the criteria pollutants (ozone, carbon monoxide, small particulate matter, sulfur dioxide, nitrogen dioxide, and lead).

On August 15, 1997 (62 FR 43780), April 10, 2000 (65 FR 18911), and August 6, 2002 (67 FR 50808), the EPA promulgated amendments to the transportation conformity rule to streamline and clarify the criteria and procedures for determining the conformity of transportation plans, programs, and projects. The State was required by 40 CFR Part 51, Subpart T, Section 51.390 to amend the SIP by specifically removing any previously-applicable implementation plan transportation conformity requirements and submitting a revision to the SIP that addresses all requirements of 40 CFR Part 93, Subpart A. A Notice of General Public Interest was initially published in the South Carolina State Register on August 25, 2000, and was revised on August 22, 2003. A staff-conducted public hearing was held on the proposed revision on September 22, 2003. The SIP amendment was submitted to EPA for final approval on November 14, 2003. EPA published the approval of the revision in the Federal Register (69 FR 4245) on January 29, 2004.

In accordance with these requirements and as part of the 2004 SIP amendment, the Department incorporated into the SIP a new MOA to implement Section 176 of the CAAA, as amended (42 U.S.C. 7401, *et seq.*), the related requirements of 23 U.S.C. 109(j), and regulations under 40 CFR Part 93, Subpart A. The parties to this MOA are as follows: each of the Metropolitan Planning Organizations (MPO) as described in Exhibit 1, the Department, SC DOT, Federal Highway Administration - South Carolina Division Office (FHWA), the Federal Transit Administration (FTA), the EPA Region 4 (EPA), and local publicly-owned transit agencies not represented by aforementioned MPOs. Exhibit 2 of the MOA is the "South Carolina Criteria and Interagency Consultation Procedures for the Determination of the Conformity of Transportation Plans, Programs, and Projects," which provides for interagency consultation, resolution of conflicts, and public consultation procedures. The parties to this MOA agreed to conduct transportation conformity determinations in accordance with the provisions of 40 CFR Part 93, Subpart A as listed in Exhibit 3 of the MOA.

On May 6, 2005, the EPA promulgated a final rule entitled, "Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors" (70 FR 24280). This final rule specified the transportation-related PM_{2.5} precursors and when they would apply in transportation conformity determinations in PM_{2.5} nonattainment and maintenance areas. The Department is required by 40 CFR Part 51, Subpart T, Section 51.390 to amend the SIP by specifically incorporating several requirements from the Federal Transportation Conformity Rule that address the consultation process, as well as establish that SIPs must include written commitments of mitigation measures.

On August 10, 2005, the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law. SAFETEA-LU amended the CAAA by: changing the required frequency of transportation conformity determinations from three years to four years; providing two years to determine conformity after new SIP motor vehicle emissions budgets are either found adequate, approved, or promulgated; adding a one-year grace period before the consequences of a conformity lapse apply; providing

for an option for reducing the time period addressed by conformity determinations; streamlining requirements for conformity SIPs; and providing procedures for areas to use in substituting or adding transportation control measures (TCMs) to approved SIPs. SAFETEA-LU section 6011(g) requires that the EPA revise the transportation conformity rule as necessary to address these changes by August 10, 2007. On May 2, 2007, the EPA proposed changes to the transportation conformity rule to make it consistent with the CAAA as amended by SAFETEA-LU. The Department is required by 40 CFR Part 51, Subpart T, Section 51.390 to amend the SIP by specifically incorporating several requirements from the Federal Transportation Conformity Rule that address the aforementioned changes.

On January 24, 2008, the EPA again promulgated amendments to the Transportation Conformity Regulations to finalize provision that were published in May 2007 (73 FR 4420). These amendments are necessary to make the final rule consistent with the CAA Section 176(c) as amended by SAFETEA-LU, including changes to the regulations to reflect that the CAA now provides more time for state and local governments to meet conformity requirements, provides a one-year grace period before the consequences of not meeting certain conformity requirements apply, allows the option of shortening the timeframe of conformity determinations, and streamlines other provisions.

The Department proposes to amend its SIP to address the requirements of the Transportation Conformity Rule Amendments for the New PM_{2.5} National Ambient Air Quality Standard: PM_{2.5} Precursors and the SAFETEA-LU amendments, pursuant to Section 176(c) of the CAAA.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

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 March 28, 2008, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Construction and renovation for the purchase and installation of a fixed Positron Emission Tomography/Computed Tomography (PET/CT) scanner and an Elekta Synergy S linear accelerator for a total of three (3) linear accelerators to be located at the Trident Medical Center Cancer Center

Trident Medical Center
Charleston, South Carolina
Project Cost: \$9,337,122

Affecting Greenwood County

Construction for the relocation and expansion of the facility's existing dialysis unit to include the addition of four (4) new dialysis stations for a total of eight (8) dialysis stations to be located adjacent to the patient tower

Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$1,988,980

10 NOTICES

Affecting Horry County

Replacement of an existing single-slice Computed Tomography (CT) scanner with a sixty-four (64) slice CT scanner

Conway Medical Center
Conway, South Carolina
Project Cost: \$1,550,000

Affecting Kershaw County

Construction of a Medical Office Building (MOB) to house outpatient services

Kershaw County Medical Center – Camden Medical Complex
Camden, South Carolina
Project Cost: \$11,354,527

Affecting Lexington County

Renovation for the replacement of the existing two (2) slice Computed Tomography (CT) scanner located at LMC – Lexington with a forty (40) slice CT scanner and the subsequent relocation of the two (2) slice CT scanner to LMC – Swansea

Lexington Medical Center – Lexington
Lexington, South Carolina
Project Cost: \$776,501

Affecting Marion County

Renovation of the emergency department (ED) and construction of a medical office building (MOB) that will house hospital-based physician practices and the Marion Regional Healthcare System Wellness and Rehabilitation Department

Marion Regional Healthcare System
Mullins, South Carolina
Project Cost: \$15,000,000

Affecting Richland County

Construction of a twenty-four (24) unit skilled nursing center for the addition of forty eight (48) nursing home beds to include eight (8) institutional (restricted) nursing home beds which do not provide a community service and forty (40) community nursing home beds which will not participate in the Medicaid (Title XIX) Program for a total of eighty (80) nursing home beds

Wildewood Downs Nursing and Rehabilitation Center
Columbia, South Carolina
Project Cost: \$3,038,700

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 March 28, 2008. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Greenwood County

Conversion of twenty (20) nursing home beds to general acute care beds for a total licensed bed capacity of three hundred fifty-four (354) general acute care beds, twenty-four (24) substance abuse beds, and thirty-six (36) psychiatric beds

Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$5,000

Affecting Horry County

Construction of a thirty-two (32) bed nursing home that will not participate in the Medicaid (Title XIX) Program

Brightwater Skilled Nursing Center
Myrtle Beach, South Carolina
Project Cost: \$4,215,436

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Pursuant to SC Code §49-21-40 and R. 121-12.7, the South Carolina Department of Health and Environmental Control gives notice that the Greenwood Commissioners of Public Works has filed a Class I Interbasin Transfer Application to transfer water from the Saluda River basin to the Upper Savannah River basin. The Interbasin Transfer Application is for renewal of an existing Interbasin Transfer Registration of 30 million gallons per day that expires July 12, 2009. Raw water is withdrawn from Lake Greenwood in the Saluda River basin and treated at the W.R. Wise Water Treatment Plant and distributed to the Greenwood Commissioners of Public Works service area that lies in the Upper Savannah River basin. Wastewater from the Greenwood Commissioners of Public Works service area is treated at the Wilson Creek WWTP, Ware Shoals WWTP and Ninety Six WWTP and is discharged in the Saluda River basin, and West Alexander WWTP and is discharged to Hard Labor Creek in the Upper Savannah River basin. The requested duration of the permit is for twenty (20) years to withdraw a daily maximum of 33 million gallons of water a day from Lake Greenwood.

Any person may request a copy of the application by submitting a statement to the address below specifying how he or she will be affected. Any person may submit comments on the application; to be considered, comments must be received by the Department by the close of business on July 9, 2008. Any person wishing to receive notification of the permit decision should submit a request for such notification (which may be included with your comments) to the address below.

Comments should be directed to:
Christina H. Lewis
SCDHEC
2600 Bull Street
Columbia, SC 29201

12 NOTICES

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.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

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/or individuals listed below, please submit your comments in writing, no later than April 28, 2008 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

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

Class I

Earth Systems, Inc.
Attn: William Wimberly
223 12th Avenue North
Jacksonville Beach, FL 32250

GS2 Engineering & Environmental Consultants, Inc.
Attn: Patrick Lowery
241 Business Park Blvd
Columbia, SC 29203

Cameron Consulting, LLC
Attn: Mark White
8 West McBee Avenue, No 10
Greenville, SC 29601

Shaw Environmental, Inc.
Attn: Howard Sparrow
3 Independence Pointe, Ste 107
Greenville, SC 29615

DEPARTMENT OF NATURAL RESOURCES

NOTICE

DNR Board Action:

The SC DNR Board voted Friday, February 15, 2008, to approve two river segments as eligible for State Scenic River designation by the General Assembly in accordance with the S.C. Scenic Rivers Act (1989).

The river segments are:

- 1) A 30-mile segment of the Catawba River in Chester, Lancaster, and York counties below the Lake Wylie Dam and extending downstream to the SC Highway #9 Bridge.
- 2) A 54-mile segment of the lower Lynches River in Florence County from the downstream boundary of the Lynches River County Park to the confluence with the Great Pee Dee River.

The purpose of the State Scenic Rivers Program is to conserve and protect unique and outstanding river resources throughout South Carolina. To accomplish this purpose, a volunteer, cooperative, and non-regulatory management program has been created that involves landowners, community interests, and the Department of Natural Resources working together to conserve and protect designated scenic river corridors. Designating a State Scenic River requires legislative action by the South Carolina General Assembly.

For more information contact: South Carolina Department of Natural Resources, Land, Water, and Conservation Division, P.O. Box 167, Suite 360, Columbia SC 29202; Telephone # 734-9111;

Project Manager for the Catawba River is Mary Crockett, e-mail CrockettM@dnr.sc.gov
Project Manager for the Lynches River is Stuart Greeter, e-mail GreeterS@dnr.sc.gov

14 DRAFTING

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department is proposing to amend R.61-62, Air Pollution Control Regulations and Standards. Interested persons are invited to present their views concerning these amendments in writing to Maeve S.R. Mason, Regulatory Development Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by April 28, 2008, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The Department proposes to amend Regulations 61-62.5, Standard No. 2; 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories to respectively adopt the Federal change in the National Ambient Air Quality Standard (NAAQS) for the 24-hour primary standard for fine particulate matter (PM_{2.5}) and to incorporate by reference recent Federal amendments promulgated during the period from January 1, 2007, through December 31, 2007. The Department may also propose typographical corrections and clarifications to R.61-62 as necessary.

Pursuant to S.C. Code Section, 1-23-120(G)(1) the proposed amendments in this Notice will not be more stringent than the current Federal requirements and thus do not require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-10, 13-7-40 and 13-7-45 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-64, X-rays (Title B). Interested persons may submit their comments in writing to Mr. Charles G. Ditmer, Bureau of Radiological Health, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on April 28, 2008, the close of the drafting comment period.

Synopsis:

The proposed regulation is being rewritten in its entirety. General areas of this revision would include: ensuring compatibility with Federal regulations; further clarifying and simplifying the regulations; adding new definitions as required; and deleting regulations that are no longer applicable. Specific areas the Department seeks to address in the regulations include: simplifying the regulations relating to therapeutic equipment; clarifying and strengthening equipment performance standard testing; and changing equipment standards to be compatible with Federal equipment standards. In addition, the Department intends to make language changes that will result in clarifying many sections of the regulations by making them more specific, better organized, and the intent of regulation more clear.

In order to fully evaluate x-ray service vendors the Department also intends to include a one-time application fee of \$62.50 for new vendors. X-Ray facilities that are located outside of South Carolina that wish to operate temporarily in South Carolina would be required to meet the application and registration requirements. These requirements would include all applicable fees associated with x-ray equipment. The Department also proposes to implement a Mammography follow-up inspection fee of \$500.00 as well. Currently there are no fees associated with these costs.

Including the proposed amendments stated above, the public and the regulated community is invited to recommend additional issues for consideration.

The proposed revisions will require legislative review.

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

Statutory Authority: 1976 Code Sections 23-9-60, 39-41-260, and 40-82-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulations 71-8300.1 through 71-8300.15.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

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

Statutory Authority: 1976 Code Section 23-9-60

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulations 71-8301.1 through 71-8301.6.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

16 DRAFTING

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

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

Statutory Authority: 1976 Code Sections and 23-9-60 and 23-36-10 et seq.

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulations 71-8302.1 through 71-8302.25.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

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

Statutory Authority: 1976 Code Sections 23-9-40(c) and 23-9-45

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulation 71-8303.1.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

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

Statutory Authority: 1976 Code Section 40-82-70

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulation 71-8304.1.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

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

Statutory Authority: 1976 Code Section 23-9-10 et seq. and 23-35-10 et seq.

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulation 71-8305.1 through 71-8305.11.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

18 DRAFTING

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

Statutory Authority: 1976 Code Sections 23-9-60 and 24-9-20

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal proposes to amend Regulation 71-8306.1 through 71-8306.2.

Interested persons may submit comments to: John G. Reich, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modification.

Synopsis:

The Office of State Fire Marshal proposes to update existing regulations; use a standardized format for all regulations; eliminate redundant regulations; and to make the current regulations compatible with current federal and state statutes.

STATE LAW ENFORCEMENT DIVISION
CHAPTER 73

Statutory Authority: 1976 Code Section 16-8-330

Notice of Drafting:

The South Carolina Law Enforcement Division (hereinafter "The Division") proposes new regulations in Article 5 of Chapter 73, South Carolina Code of Regulations, relating to the development and management of a statewide criminal gang database in South Carolina as required in SC Code Section 16-8-330. Interested persons may submit comments to Captain Roger Owens, State Law Enforcement Division (SLED), PO Box 21398, Columbia, South Carolina, 29221-1398.

Synopsis:

On June 12, 2007, the Criminal Gang Prevention Act (A82, R109, S141) became law. As noted in the Act, the State of South Carolina is facing a mounting crisis caused by criminal gangs whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. Section 16-8-330 of this Act requires the State Law Enforcement Division (SLED) to develop and manage a statewide criminal gang database to facilitate the exchange of information between federal, state, county, and municipal law enforcement agencies. Promulgation of regulations is necessary before this can be implemented.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-15-70

Notice of Drafting:

The Department of Natural Resources proposes to repeal regulations 123-151 and draft new regulations to implement the alligator management program pursuant to amendments made to Chapter 15 of Title 50 of SC Code of Laws. The new regulations will prescribe and implement the Depredation, Private Lands and Hunting Season programs for alligators.

Interested persons may submit comments to D. Breck Carmichael, Jr., Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

The General Assembly passed amendments to Chapter 15 of Title 50 to provide for an alligator hunting season and to make changes to existing programs. The proposed regulation will clearly describe the process and requirements for participants in the harvest of alligators in SC.

20 PROPOSED REGULATIONS

Document No. 3209
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-67-20, 59-67-410 and 59-67-570

43-80 N. and T. Operation of Public Pupil Transportation Services

Preamble:

The South Carolina Department of Education proposes to amend the Student Transportation Regulation, Sections N and T, to establish the school bus driver certification program mandated by S. C. Code Ann. § 59-67-108 and to reflect recent changes to the Commercial Driver's License for school bus drivers offered by the Department of Motor Vehicles. These changes require new regulatory language to establish a multi-category School Bus Driver's Certification program and an updated reference to the School Bus Commercial Driver's License.

Section-by-Section Discussion

(1) To implement the mandated school bus driver certification program established by S. C. Code Ann. § 59-67-108.

43-80 N.—This section has been amended and restructured to create a school bus driver's certification program that establishes unique school bus driver training and certification requirements based on the type of school bus being operated. The amendment establishes school bus driver certification requirements for school bus drivers transporting or intending to transport preprimary, primary, or secondary students to and from school, and school related activities, or children to and from childcare or related activities.

(2) To align existing regulatory language with changes instituted by the South Carolina Department of Motor Vehicles.

43-80 N.—This section has been amended to reflected changes made to the school bus commercial driver's license.

43-80 T.—This section has been amended to acknowledge that portions of existing language in Section T. has been moved to Section N; and clarifies the operator requirements for the state-owned school boat.

(3) To add text to address a new concern associated with the safe operation of school buses.

43-80 Section T.—This section has been amended to create a driver certification program that establishes training and testing to assure that drivers can safely operate a school bus.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing, pursuant to S. C. Code Ann. § 1-23-110(A)(3)(Supp. 2007), as amended, shall be held on May 14, 2008, upon adjournment of Executive Session of the South Carolina Board of Education, at the Rutledge Building. Interested members can submit written comments on the proposed regulation by writing or by e-mail to Mr. Donald Tudor, Director of Transportation, South Carolina Department of Education, Room 209-A, Rutledge Building, 1429 Senate Street, Columbia, S. C. 29201, dtudor@ed.sc.gov. Comments must be received no later than 5:00 p.m. on April 28, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-80 N. and T. Operation of Public Pupil Transportation Services

Purpose: Regulation 43-80. Sections N. and T. are being amended to create the school bus driver certification program mandated by § 59-67-108, to coordinate with school bus driver licensing changes instituted by the South Carolina Department of Motor Vehicles (SCDMV), and to enhance the transportation safety of school students.

Legal Authority: The legal authority for Regulation 43-80 is S. C. Code Ann. § 59-5-60, 59-67-20, and 59-67-410 (2004) and § 59-67-570 (Supp. 2004).

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

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

The proposed amendments will establish unique school bus driver training and certification based on the type of school bus being operated and will improve the safety of the school transportation program.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated additional costs. The proposed amendments will create the school bus driver certification program directed by the Section 59-67-108.

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 regulation is not implemented.

Statement of Rationale:

Regulation 43-80 N. and T. are amended to comply with the school bus driver certification program mandated by S. C. Code Ann. § 59-67-108 and to reflect recent changes to the Commercial Driver's License for school bus drivers offered by the Department of Motor Vehicles.

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. 3210

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-827, and 48-1-10 et seq.

61-56.2. Licensing of Onsite Wastewater System Master Contractors

Preamble:

The Department of Health and Environmental Control proposes to create a new regulation, entitled R.61-56.2, Licensing of Onsite Wastewater System Master Contractors. South Carolina Act No. 106, passed by the S.C. General Assembly in 2007, and codified at Section 44-55-827 of the S.C. 1976 Code of Laws, authorizes and requires the Department to promulgate a regulation that creates a tiered licensing program for onsite wastewater system contractors. The Act requires that this regulation include eligibility criteria, monitoring, standards for education and training, bonding and insurance requirements, administrative and licensing fees, and enforcement guidelines and penalties. This proposed regulation contains all elements specified and required by the Act.

Staff initiated the statutory process for the promulgation of R.61-56.2 by publication of a Notice of Drafting in the State Register on January 25, 2008. Notice was also published on the Department's website in its Regulation Development Update at www.scdhec.net/co/regs. The drafting comment period ended on February 25, 2008; comments from this notice were considered in formulating the proposed regulation. See the Statement of Need and Reasonableness herein.

Discussion of Proposed New Regulation

SECTION CITATION:

SUMMARY OF SECTION:

Section 100.	This section was created to describe the purpose of the proposed new regulation.
Section 200.	This section was created to define terms used within the proposed new regulation.
Section 300.	This section was created to describe who is eligible to be licensed as an onsite wastewater system master contractor.
Section 400.	This section was created to describe the continuing education and training requirements for onsite wastewater system master contractors.
Section 500.	This section was created to describe the scope of practice for an onsite wastewater systems contractor, the procedure utilized by these contractors, and the quality control procedures utilized by the Department.
Section 600.	This section was created to describe the bonding and insurance requirements for onsite wastewater system master contractors.
Section 700.	This section was created to establish application and license fees for onsite wastewater system master contractors and the administrative requirements for those fees.

Section 800. This section was created to describe the enforcement penalties, for violations of any provisions of this regulation or an onsite wastewater installation permit, for an onsite wastewater system master contractor.

Section 900. This section is included to disclose the severability rights of this regulation.

Notice of Staff Informational Forum and Public Comment:

Staff of the Department of Health and Environmental Control invites interested members of the public and the regulated community to attend a staff-conducted informational forum to be held on April 25, 2008, at 10:00 a.m., in the Peoples Auditorium at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive public comments from interested persons on proposed Regulation 61-56.2, Licensing of Onsite Wastewater System Master Contractors.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation to Mr. Leonard Gordon at the South Carolina Department of Health and Environmental Control, Bureau of Environmental Health, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on April 28, 2008, the close of the public comment period. Comments received at the staff informational forum and during the public comment period will be considered in perfecting the final proposed regulation for public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Leonard Gordon at the South Carolina Department of Health and Environmental Control, Bureau of Environmental Health, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 896-0646. A copy of the Notice of Proposed Regulation may also be obtained from the Department's regulatory information internet site(s) at <http://www.scdhec.gov/administration/regs/>. Click on Regulation Development Update; then click on the Environmental Health category and browse for this proposed regulation.

Public comments received at the forum and/or during the public comment period above-noticed shall be submitted to the Board of Health and Environmental Control in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on proposed Regulation 61-56.2, Licensing of Onsite Wastewater System Master Contractors, at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on May 8, 2008. The public hearing is 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, SC. Please use the front entrance to the building facing Bull Street. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four (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.

Preliminary Fiscal Impact Statement:

The Department estimates there will be no new costs imposed on the State or its political subdivisions by this regulation. There will be additional costs in application and licensing fees for those who choose to participate in the master contractor program.

24 PROPOSED REGULATIONS

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:

Purpose: The purpose of this regulation is to protect public health and the environment by ensuring the competence of onsite wastewater system master contractors. Proper construction, installation and approval practices for onsite wastewater systems are essential for the safe treatment and disposal of domestic wastewater. Act No. 106, passed by the General Assembly in 2007, and codified at S.C. Code Section 44-55-827, authorizes and requires the Department to promulgate a regulation that creates a tiered licensing program for onsite wastewater system contractors. This proposed regulation contains all elements specified and required by the Act.

Legal Authority: The legal authority for R.61-56.2 is Sections 44-1-140(11), 44-1-150, 44-55-827, and 48-1-10 et seq. of the S.C. Code of Laws.

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. 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:

R.61-56.2 protects the health and environment of South Carolina's citizens by ensuring that onsite wastewater system master contractors are licensed and qualified to carry out the responsibilities of the master contractor designation. The regulation creates a tiered licensing program for onsite wastewater system contractors that includes eligibility criteria, monitoring, standards for education and training, bonding and insurance requirements, administrative and licensing fees, and enforcement guidelines and penalties. The proposed regulation contains all elements specified and required by Act 106.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated new costs associated with the implementation of this regulation for the state or any political subdivisions. There will be additional costs in application and licensing fees for those who choose to participate in the master contractor program.

There will be a benefit to South Carolina by ensuring that the regulation and the Department continue to protect the health and environment of South Carolina's citizens by ensuring that onsite wastewater system master contractors are licensed and qualified to carry out the responsibilities of the master contractor designation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will protect the health and environment of South Carolina's citizens by ensuring that onsite wastewater system master contractors are licensed and qualified to carry out the responsibilities of the master contractor designation.

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

Not implementing the regulation will prevent continued assurance that onsite wastewater system master contractors are licensed and qualified to carry out the responsibilities of the master contractor designation.

Statement of Rationale:

This regulation is promulgated in response to the requirements set forth by Act 106 passed by the S.C. General Assembly in 2007. It creates a tiered licensing program for onsite wastewater system contractors that includes all elements specified and required by the 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.

26 FINAL REGULATIONS

Document No. 3123
DEPARTMENT OF AGRICULTURE
CHAPTER 5

Statutory Authority: 1976 Code Sections 39-41-80 and 39-41-150

5-440 et seq. Petroleum Products Regulations

Synopsis:

The Department of Agriculture proposes these amendments to clarify and to provide a more efficient process for regulating and analyzing petroleum products, as authorized by S.C. Code, Title 39, Chapter 41. Specifically, new language is being adopted to allow the Department to adequately regulate advances in the standards of traditional petroleum products, as well as alternative fuels that are likely to become more mainstream and more widely utilized by South Carolinians as a source of fuel. In addition, the process for registering petroleum products has been updated and made more efficient for both the Department and the registrant in the event of a traceback situation, by requiring all invoices to be maintained by the retailer for at least 30 days after delivery of the petroleum products.

Instructions: Amend R.5-440 thru 5-449, Petroleum Products Regulations, Chapter 5 to reflect the following changes:

Replace R-5-440 with the language below.

Add R-5-444.

Add R-5-445.

Add R-5-446.

Add R-5-447.

Add R-5-448.

Add R-5-449.

Text:

5-440. Registering of Gasoline

1. All gasoline sold, offered or exposed for sale or distribution in South Carolina must be registered by each identifying brand name on registration blanks furnished by the South Carolina Department of Agriculture.

2. Any visual publicity or news media which implies a gasoline meets the minimum qualities and octane rating of either "regular" or "premium" gasoline shall be considered as false advertising if the product so advertised is not registered as "regular" or "premium" gasoline or under test is not found to meet the requirements for "regular" or "premium" gasolines and is prohibited. (Attention is called to Section 39-1-20, Code of Laws 1976, which prohibits the making of intentional untrue statements in advertising on signs, etc., punishable as a misdemeanor.)

All manufacturers, jobbers, wholesalers, retailers and others who distribute gasoline at retail level and desire to designate the various grades or brands by numbers shall not display or use any number for the grade or grades or brand name other than the registered octane count for such grade or grades or brand name, except where a legible statement is affixed to all pumps dispensing such grade or grades indicating that such number or numbers do not represent octane numbers.

Such statement shall be readable at a reasonable distance from the dispensing pump or pumps and shall be affixed to the dispensing pump at a place thereon clearly visible to the occupant or driver of the vehicle buying the petroleum product. The statement indicating that such number or numbers do not represent or correspond to octane numbers shall be in letters no smaller than 3/4 inches in size and shall be in a color that is in clear contrast with the background. For the purpose of complying with this regulation, a decal in size of not less than 6" × 7" affixed to the dispensing pump or pumps shall be deemed a sufficient compliance.

This same requirement shall apply to any form of advertising such as billboards, posters, banners, and newspaper advertisements, which advertisement shall include a statement that the numbers used do not indicate or represent the actual octane. (The effective date of this regulation shall be July 10, 1964.)

3. All manufacturers, jobbers and wholesalers registering gasoline for sale in South Carolina may register their own guarantee for the standards of each gasoline registered. Regular or premium gasolines, as the case may be, shall meet the required minimum and maximum standards as set forth in specifications promulgated by the American Society for Testing and Materials unless other standards are promulgated by the Commissioner of Agriculture in accordance with Section 39-41-80, provided however, nothing contained herein shall prevent the registration of a gasoline with an Octane Index below 87, except that such gasoline, when so registered, may not be offered, exposed or sold as a regular gasoline.

4. All refiners, manufacturers, producers, and all others that are registered to distribute gasoline in South Carolina shall and are hereby required to give, furnish and present to all jobbers, wholesalers, retailers, and others that either purchase, obtain, or acquire gasoline directly from such refiners, manufacturers, producers, and others that are registered to distribute gasoline in this State, a delivery invoice which shall and is hereby required to contain and include the name of the gasoline which is delivered and its registered Octane Index.

5. All jobbers, wholesalers and others who distribute gasoline to retail distributors shall and are hereby required to give, furnish and present to the retailer of gasoline, upon delivery of gasoline to such retailer, a delivery invoice in duplicate which shall and is hereby required to contain and include the identifying brand name of the gasoline and its registered Octane Index. The retailer is hereby required to retain one of the copies of the delivery invoice which is furnished him in duplicate for a period of not less than 30 days and a copy of the invoice shall be available for inspection and disposition by the Department of Agriculture and/or its agents, servants and employees.

6. Failure to maintain the required bill of lading for the required 30 day period shall result in a fine of not less than \$75 dollars for the first offense and not less than \$150 for the second offense. All third and subsequent offenses shall be punishable by a fine of not more than \$500 per violation. Fines may be avoided if bill of lading is produced within 72 hours after citation for failure to maintain the bill of lading on premises.

5-444. Definitions

1. STM International - (American Society for Testing & Materials) means the international voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.

2. Antiknock Index (AKI - means the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON): $AKI = (RON+MON)/2$. This value is called by a variety of names, in addition to antiknock index, including: octane rating, posted octane, $(R+M)/2$ octane.

3. Automotive Gasoline, Automotive Gasoline-Oxygenate Blend - means a type of fuel suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications.

4. Automotive Fuel Rating - means the automotive fuel rating required under the amended Octane Certification and Posting Rule (or as amended, the Fuel Rating Rule), 16 CFR Part 306. Under this Rule, sellers of liquid automotive fuels, including alternative fuels, must determine, certify, and post an appropriate automotive fuel rating. The automotive fuel rating for gasoline is the antiknock index (octane rating). The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel, along with a disclosure of the amount, expressed as a minimum percentage by volume of the principal component of the fuel. For alternative liquid automotive fuels, a disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

5. Aviation Gasoline - means a type of gasoline suitable for use as a fuel in an aviation spark-ignition internal combustion engine.

6. Aviation Turbine Fuel - means a refined middle distillate suitable for use as a fuel in an aviation gas turbine internal combustion engine.

7. Base Gasoline - means all components other than ethanol in a blend of gasoline and ethanol.

8. Biodiesel – means a motor vehicle fuel which is designated B100 and: (1) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act, section 211.; (2) is a mono-alkyl ester; (3) meets the latest version of ASTM specification D 6751; (4) is intended for use in engines that are designed to run on conventional, petroleum-

28 FINAL REGULATIONS

derived diesel fuel; and (5) is derived from non-petroleum renewable resources including, but not limited to, vegetable oils, animal wastes, including poultry fats and poultry wastes, and other waste materials or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater.

9. Biodiesel Blend - means a fuel comprised of a blend of biodiesel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend.

10. Cetane Index - means an approximation of the cetane number of distillate diesel fuel, which does not contain a cetane improver additive, calculated from the density and distillation measurements.

11. Cetane Number - means a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test.

12. Denatured Fuel Ethanol - means "ethanol" as defined in item 19 below.

13. Diesel Fuel - means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.

14. Distillate - means any product obtained by condensing the vapors given off by boiling petroleum or its products.

15. EPA - means the United States Environmental Protection Agency.

16. E85 Fuel Ethanol - means a blend of ethanol and hydrocarbons which meet the specifications of ASTM standard D 5798.

17. Engine Fuel - means any liquid or gaseous matter used for the generation of power in an internal combustion engine.

18. Engine Fuels Designed for Special Use - means engine fuels designated by the Director as requiring registration. These fuels normally do not have ASTM or other national consensus standards applying to their quality or usability; common special fuels are racing fuels and those intended for agricultural and other off-road applications.

19. Ethanol - also known as "Denatured Fuel Ethanol," means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of Bureau of Alcohol, Tobacco, and Firearms (BATF) approved substances before blending with gasoline.

20. Fuel Oil - means a refined oil middle distillates, heavy distillates, or residues of refining, or blends of these, suitable for use as a fuel for heating or power generation, the classification of which shall be defined by ASTM D 396.

21. Gasoline - means a volatile mixture of liquid hydrocarbons generally containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine.

22. Gasoline-Alcohol Blend - means a fuel consisting primarily of gasoline and a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more alcohols.

23. Gasoline-Oxygenate Blend - means a fuel consisting primarily of gasoline along with a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more oxygenates.

24. Kerosene - (or "Kerosine") means a refined middle distillate suitable for use as a fuel for heating or illuminating, the classification of which shall be defined by ASTM D 3699.

25. Lead Substitute - means an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel.

26. Lead Substitute Engine Fuel - means, for labeling purposes, a gasoline or gasoline-oxygenate blend that contains a "lead substitute."

27. Leaded - means, for labeling purposes, any gasoline or gasoline-oxygenate blend which contains more than 0.013 g of lead per liter (0.05 g lead per U.S. gal). NOTE: EPA defines leaded fuel as one which contains more than 0.0013 g of phosphorus per liter (0.005 g per U.S. gal), or any fuel to which lead or phosphorus is intentionally added.

28. Low Sulfur - means low sulfur diesel fuel that meets ASTM D 975 (e.g., Grade Low Sulfur No. 1-D or Grade Low Sulfur No. 2-D) standards. Diesel fuel containing higher amounts of sulfur for off-road use is defined by EPA regulations.

29. Low Temperature Operability - means a condition which allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures. Fuels with adequate low temperature operability characteristics have the ability to avoid wax precipitation and clogging in fuel filters.

30. Lubricity - a qualitative term describing the ability of a fluid to affect friction between, and wear to, surfaces in relative motion under load.

31. M100 Fuel Methanol - means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition internal combustion engine.

32. M85 Fuel Methanol - means a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent.

33. Motor Octane Number - means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2700 Motor Method engine test.

34. Motor Oil - means an oil that reduces friction and wear between the moving parts within a reciprocating internal combustion engine and also serves as a coolant. For the purposes of this regulation, "vehicle motor oil" refers to a motor oil which is intended for use in light-to-heavy duty vehicles including cars, sport utility vehicles, vans, trucks, buses, and off-road farming and construction equipment. For the purposes of this regulation, "recreational motor oil" refers to a motor oil which is intended for use in four-stroke cycle engines used in motorcycles, ATVs, and lawn and garden equipment. For the purposes of this regulation, motor oil also means engine oil.

35. Oil - means motor oil, engine oil, and/or gear oil.

36. Oxygen Content of Gasoline - means the percentage of oxygen by mass contained in a gasoline.

37. Oxygenate - means an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which can be used as a fuel or fuel supplement.

38. Reformulated Gasoline - means a volatile mixture of liquid hydrocarbons and oxygenates meeting the reformulated gasoline requirements of the Clean Air Act Amendments of 1990 and suitable for use as a fuel in a spark-ignition internal combustion engine.

39. Renewable Diesel - means a motor vehicle fuel which: (1) Meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act; (2) is not a mono-alkyl ester; (3) is intended for use in engines that are designed to run on conventional, petroleum derived diesel fuel; (4) is derived from non-petroleum renewable resources including, but not limited to, vegetable oil, animal wastes, including poultry fats and poultry wastes, and other waste materials, or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and (5) meets the latest version of ASTM specification D 975.

40. Renewable Fuel - includes cellulosic biomass ethanol, waste derived ethanol, biodiesel (mono-alkyl ester), non-ester renewable diesel, and blending components derived from renewable fuel.

41. Research Octane Number - means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2699 Research Method Engine Test.

42. SAE - means the Society of Automotive Engineers, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles.

43. Substantially Similar - means the EPA's "Substantially Similar" rule, Section 211 (f) (1) of the Clean Air Act [42 U.S.C. 7545(f)(1)].

44. Thermal Stability - means the ability of a fuel to resist the thermal stress which is experienced by the fuel when exposed to high temperatures in a fuel delivery system. Such stress can lead to formation of insoluble gums or organic particulates. Insolubles (e.g., gums or organic particulates) can clog fuel filters and contribute to injector deposits.

45. Total Alcohol - means the aggregate total in volume percent of all alcohol contained in any fuel defined in this Chapter.

46. Total Oxygenate - means the aggregate total in volume percent of all oxygenates contained in any fuel defined in this Chapter.

30 FINAL REGULATIONS

47. Unleaded - in conjunction with "engine fuel" or "gasoline" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013g of lead per liter (0.05g lead per U.S. gal) and not more than 0.0013g of phosphorus per liter (0.005g phosphorus per U.S. gal).

48. Wholesale Purchaser Consumer - means any person who is an ultimate gasoline consumer of fuel methanol, fuel ethanol, diesel fuel, biodiesel, fuel oil, kerosene, aviation turbine fuels, natural gas, or liquefied petroleum gas and who purchases or obtains the product from a supplier and receives delivery of that product into a storage tank.

5-445. Standard Fuel Specifications

1. Gasoline and Gasoline-Oxygenate Blends - (as defined in this regulation) shall meet the following requirements:

A. The most recent version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes rules promulgated by the State). Gasoline blended with ethanol shall be blended under any of the following three options:

- i. The base gasoline used in such blends shall meet the requirements of ASTM D 4814; or
- ii. The blend shall meet the requirements of ASTM D 4814; or
- iii. The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM specification.

B. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0psi.

C. Minimum Antiknock Index (AKI) - The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation.

D. Minimum Motor Octane Number - The minimum motor octane number shall not be less than 82 for gasoline with an AKI of 87 or greater.

E. Minimum Lead Content to Be Termed "Leaded" - Gasoline and gasoline-oxygenate blends sold as "leaded" shall contain a minimum of 0.013g of lead per liter (0.05 g per U.S. gal).

F. Lead Substitute Gasoline - Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026g of lead per liter (0.10g per U.S. gal).

i. Documentation of Exhaust Valve Seat Protection - Upon the request of the director, the lead substitute additive manufacturer shall provide documentation to the director that demonstrates that the treatment level recommended by the additive manufacturer provides protection against exhaust valve seat recession equivalent to or better than 0.026g per liter (0.1 g/gal) lead. The director may review the documentation and approve the lead substitute additive before such additive is blended into gasoline. This documentation shall consist of:

a. Test results as published in the Federal Register by the EPA Administrator as required in Section 211(f)(2) of the Clean Air Act; or

b. Until such time as the EPA Administrator develops and publishes a test procedure to determine the additive's effectiveness in reducing valve seat wear, test results and description of the test procedures used in comparing the effectiveness of 0.026g per liter lead and the recommended treatment level of the lead substitute additive shall be provided.

G. Blending - Leaded, lead substitute, and unleaded gasoline-oxygenate blends shall be blended according to the EPA "substantially similar" rule or an EPA waiver for unleaded fuel.

2. Diesel Fuel - shall meet the most recent version of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

A. Premium Diesel Fuel - All diesel fuels identified on retail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier must conform to the following requirements:

i. Cetane Number - A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613.

ii. Low Temperature Operability - A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Low temperature operability is only applicable October 1 - March 31 of each year.

iii. Thermal Stability - A minimum reflectance measurement of 80% as determined by ASTM Standard Test Method D 6468 (180 min, 150 C).

iv. Lubricity - A maximum wear scar diameter of 520 microns as determined by ASTM D 6079. If an enforcement jurisdiction's single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this item.

3. Aviation Turbine Fuels - shall meet the most recent version of ASTM D 1655, "Standard Specification for Aviation Turbine Fuels."

4. Aviation Gasoline - shall meet the most recent version of ASTM D 910, "Standard Specification for Aviation Gasoline."

5. Fuel Oils - shall meet the most recent version of ASTM D 396, "Standard Specification for Fuel Oils."

6. Kerosene (Kerosine) - shall meet the most recent version of ASTM D 3699, "Standard Specification for Kerosine."

7. Ethanol - intended for blending with gasoline shall meet the most recent version of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

8. E85 Fuel Ethanol - shall meet the most recent version of ASTM D 5798.

9. M85 Fuel Methanol - shall meet the most recent version of ASTM D 5797, "Standard Specification for Fuel Methanol M70-M85 for Automotive Spark Ignition Engines."

10. Biodiesel - B100 biodiesel intended for blending with diesel fuel shall meet the most recent version of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

11. Biodiesel Blends – Blends of biodiesel and diesel fuels shall meet the following requirements:

A. The base diesel fuel shall meet the most current requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils.

B. The biodiesel blend stock shall meet the most current requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

C. Exception - Biodiesel may be blended with diesel fuel whose sulfur or aromatic or lubricity levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D, or 2-D, provided the finished mixture meets pertinent national and local specifications, including ASTM D 975 standards.

5-446. Classification and Method of Sale of Petroleum Products

1. General Considerations.

A. Documentation - When gasoline, gasoline-oxygenate blends, reformulated gasoline, M85 and M100 fuel methanol, E85 and E100 fuel ethanol, liquefied petroleum (LP) gases, compressed natural gas, liquefied natural gas, biodiesel, diesel fuel, kerosene, aviation gasoline, aviation turbine fuels, or fuel oils are sold, an invoice, bill of lading, shipping paper or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than 1 year.

B. Retail Dispenser Labeling - All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating.

C. Grade Name - The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating or grade indicated in the grade name is consistent with the value and meets the requirements of Regulation 5-445, Standard Fuel Specifications.

32 FINAL REGULATIONS

2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.

A. Posting of Antiknock Index Required - All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

B. When the Term "Leaded" may be Used - The term "leaded" shall only be used when the fuel meets specification requirements of regulation 5-445(1)(E) above.

C. Use of Lead Substitute must be Disclosed - Each dispensing device from which gasoline or gasoline-oxygenate blends containing a lead substitute is dispensed shall display the following legend: "Contains Lead Substitute." The lettering of this legend shall not be less than 12 mm (1/2 in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

D. Nozzle Requirements for Leaded Fuel - Each dispensing device from which gasoline or gasoline-oxygenate blends that contain lead in amounts sufficient to be considered "leaded" gasoline, or lead substitute engine fuel, is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

E. Prohibition of Terms - It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1.

F. Method of Retail Sale - Type of Oxygenate must be Disclosed - All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol" or "with methyl tertiary-butyl ether (MTBE)." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers" or alternatively post the phrase "contains MTBE or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper 50% of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in) in height, 1.5mm (1/16 in) stroke (width of type).

G. Documentation for Dispenser Labeling Purposes - The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or, alternatively, use the phrase "contains MTBE or other ethers." In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending.

Table 1. Minimum Antiknock Index Requirements

Term	Minimum Antiknock Index	
	ASTM D 4814 Altitude Reduction Areas IV and V	All Other ASTM D 4814 Areas
Premium, Super, Supreme, High Test	90	91
Midgrade, Plus	87	89
Regular Leaded	86	88
Regular, Unleaded (alone)	85	87
Economy	--	86

3. Diesel Fuel.

A. Labeling of Grade Required - Diesel Fuel shall be identified by grades No. 1-D, No. 1-D (low sulfur), No. 2-D, No. 2-D (low sulfur), or No. 4-D. Each retail dispenser of diesel fuel shall be labeled according to the grade being dispensed except the words "low sulfur" are not required.

B. Location of Label - These labels shall be located on the upper 50% of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 12mm (1/2in) in height, 1.5mm (1/16in) stroke (width of type).

C. Delivery Documentation - Before or at the time of delivery of premium diesel fuel, the retailer or the wholesale purchaser-consumer shall be provided on an invoice, bill of lading, shipping paper, or other documentation a declaration of all performance properties that qualifies the fuel as premium diesel fuel as required in regulation 5-445(1)(B).

4. Fuel Oils.

A. Labeling of Grade Required - Fuel Oil shall be identified by the grades of No. 1, No. 2, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6.

5. Kerosene (Kerosine).

A. Labeling of Grade Required - Kerosene shall be identified by the grades No. 1-K or No. 2-K.

B. Additional Labeling Requirements - Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K. In addition, No. 2-K dispensers shall display the following legend: "Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K." The lettering of this legend shall not be less than 12 mm (1/16 in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

6. Fuel Ethanol.

A. How to Identify Fuel Ethanol - Fuel ethanol shall be identified by the capital letter E followed by the numerical value volume percentage. (Example: E85)

B. Retail Dispenser Labeling - Each retail dispenser of fuel ethanol shall be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol)

C. Additional Labeling Requirements - Fuel ethanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

7. Fuel Methanol.

A. How Fuel Methanol is to be Identified - Fuel methanol shall be identified by the capital letter M followed by the numerical value volume percentage of methanol. (Example: M85)

B. Retail Dispenser Labeling - Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value volume percent and ending with the word "methanol." (Example: M85 Methanol)

C. Additional Labeling Requirements - Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

8. Biodiesel.

A. Identification of Product - Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

B. Labeling of Retail Dispensers Containing Between 5 % and 20 % Biodiesel - Each retail dispenser of biodiesel blend containing more than 5 % and up to and including 20 % biodiesel shall be labeled with either:

i. The capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "biodiesel blend." (Examples: B10 biodiesel blend; B20 biodiesel blend); or

ii. The phrase "biodiesel blend between 5 % and 20 %" or similar words.

C. Labeling of Retail Dispensers Containing More Than 20 % Biodiesel - Each retail dispenser of biodiesel or biodiesel blend containing more than 20 % biodiesel shall be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend." (Examples: B100 biodiesel; B60 biodiesel blend).

34 FINAL REGULATIONS

D. Documentation for Dispenser Labeling Purposes - The retailer shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper, or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

E. Exemption. - Biodiesel blends containing 5 % or less biodiesel by volume are exempted from the requirements of Part A of this section.

5-447. Retail Storage Tanks

1. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels - Water shall not exceed 76 mm (3in) in depth when measured with water indicating paste in any tank utilized in the storage of biodiesel, diesel, gasoline, gasoline-ether blends, and kerosene sold at retail.

2. Product Storage Identification.

A. Fill Connection Labeling - The fill connection for any petroleum product storage tank or vessel supplying engine-fuel devices shall be permanently, plainly, and visibly marked as to the product contained.

B. Declaration of Meaning of Color Code - When the fill connection device is marked by means of a color code, the color code shall be conspicuously displayed at the place of business.

C. Volume of Product Information - Each retail location shall maintain on file a calibration chart or other means of determining the volume of each regulated product in each storage tank and the total capacity of such storage tank(s). This information shall be supplied immediately to the Director of Consumer Services.

5-448. Condemned Product

1. Stop-Sale Order at Retail - A stop-sale order may be issued to retail establishment dealers for fuels failing to meet specifications or when a condition exists that causes product degradation. A release from a stop-sale order will be awarded only after final disposition has been agreed upon by the Director. Confirmation of disposition shall be submitted in writing on form(s) provided by the Director and contain an explanation for the fuel's failure to meet specifications. Upon discovery of fuels failing to meet specifications, meter readings and physical inventory shall be taken and reported in confirmation for disposition. Specific variations or exemptions may be made for fuels designed for special equipment or services and for which it can be demonstrated that the distribution will be restricted to those uses.

2. Stop-Sale Order at Terminal or Bulk Plant Facility - A stop-sale order may be issued when products maintained at terminals or bulk plant facilities fail to meet specifications or when a condition exists that may cause product degradation. The terminal or bulk storage plant shall immediately notify all customers that received those product(s) and make any arrangements necessary to replace or adjust to specifications those product(s). A release from a stop-sale order will be awarded only after final disposition has been agreed upon by the Director. Confirmation of disposition of products shall be made available in writing to the Director. Specific variations or exemptions may be made for fuels used for blending purposes or designed for special equipment or services and for which it can be demonstrated that the distribution will be restricted to those uses.

5-449. Product Registration & Test Methods

1. Engine Fuels Designed for Special Use - All engine fuels designed for special use that do not meet ASTM specifications or standards addressed in Section 2 shall be registered with the Director on forms prescribed by the Director 30 days prior to when the registrant wishes to engage in sales. The registration form shall include all of the following information:

A. Identity - Business name and address(es).

B. Address - Mailing address if different than business address.

C. Business Type - Type of ownership of the distributor or retail dealer, such as an individual, partnership, association, trust, corporation, or any other legal entity or combination thereof.

D. Signature - An authorized signature, title, and date for each registration.

E. Product Description - Product brand name and product description.

F. Product Specification - A product specification sheet shall be attached.

2. Renewal - Registration is subject to annual renewal.

3. Re-registration - Re-registration is required 30 days prior to any changes in Section 1 above.

4. Authority to Deny Registration - The Director may decline to register any product that actually or by implication would deceive or tend to deceive a purchaser as to the identity or the quality of the engine fuel.

5. Transferability - The registration is not transferable.
6. ASTM Standard Test Methods - ASTM Standard Test Methods referenced for use within the applicable Standard Specification shall be used to determine the specification values for enforcement purposes.
 - A. Premium Diesel - The following test methods shall be used to determine compliance with the premium diesel parameters:
 - i. Cetane Number - ASTM D 613;
 - ii. Low Temperature Operability - ASTM D 4539 or ASTM D 2500 (according to marketing claim);
 - iii. Thermal Stability - ASTM D 6468 (180 min, 150 C);
 - iv. Lubricity - ASTM D 6079.
7. Reproducibility Limits.
 - A. AKI Limits - When determining the antiknock index (AKI) acceptance or rejection of a gasoline sample, the AKI reproducibility limits as outlined in ASTM D 4814 Appendix X1 shall be acknowledged for enforcement purposes.
 - B. Reproducibility - The reproducibility limits of the ASTM standard test method used for each test performed shall be acknowledged for enforcement purposes, except as indicated above in subsection A.
 - C. Dispute Resolution - In the event of a dispute over a reported test value, the guidelines presented in the most recent version of ASTM D 3244, "Standard Practice for Utilization of Test Data to Determine Conformance with Specifications," shall be used to determine the acceptance or rejection of the sample.

Fiscal Impact Statement:

The South Carolina Department of Agriculture estimates that there will be no anticipated additional costs to the State or its political subdivisions regarding the implementation and update of standards used by the Department for the regulation of traditional petroleum products and new alternative fuels.

Statement of Rationale:

The purpose of this proposal is to improve and update Regulation 5-440 et seq., concerning the standards used by the Department, as well as the administration of the South Carolina Petroleum Products Act, S.C. Code section 39-41-10 et al. These amendments are intended to provide standards and guidance for the Department related to the quality of traditional petroleum and alternative fuel products utilized by citizens in South Carolina. This proposal is reasonable in that it is the Department's responsibility and duty to implement regulations that are required by law, and to update them so that they remain consistent with the law.