

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

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.

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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
3122		SR32-5	Wildlife Management Area Regulations	4/13/08	Department of Natural Resources
3113		SR32-5	Solid Waste Management	5/05/08	Department of Health and Envir Control
3125		SR32-5	Driver Schools and Truck Driver Training Schools	5/07/08	Department of Public Safety
3112		SR32-5	Environmental Protection Fees	5/07/08	Department of Health and Envir Control
3114		SR32-5	Tanning Facilities	5/07/08	Department of Health and Envir Control
3126		SR32-5	Motor Carrier Regulations	5/07/08	Public Service Commission
3133		SR32-5	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		SR32-5	Eligible Telecommunications Carrier	5/07/08	Public Service Commission
3128		SR32-5	Electric Systems and Gas Systems	5/07/08	Public Service Commission
3141		SR32-5	Wildlife Management Area Regulations	5/07/08	Department of Natural Resources
3143		SR32-5	Free Tuition for Residents Sixty Years of Age	5/07/08	Commission on Higher Education
3135		SR32-5	Chapter Revision (136-001 through 136-799)	5/07/08	LLR - Commissioners of Pilotage
3174		SR32-5	SC Procurement Regulations - Pre-Bid Conferences	5/07/08	Budget and Control Board
3175		SR32-5	SC Procurement Regulations	5/07/08	Budget and Control Board
3149		SR32-5	Environmental Electronic Reporting Requirements	5/07/08	Department of Health and Envir Control
3152		SR32-5	Underground Storage Tank Control Regulations	5/07/08	Department of Health and Envir Control
3138		SR32-5	Free Textbooks	5/08/08	State Board of Education
3151		SR32-5	South Carolina Birth Defects Program	5/08/08	Department of Health and Envir Control
3137		SR32-5	School-To-Work Transition Act	5/09/08	State Board of Education
3155		SR32-5	Water Pollution Control Permits	5/09/08	Department of Health and Envir Control
3154		SR32-5	Individual Sewage Treatment and Disposal Systems	5/09/08	Department of Health and Envir Control
3139		SR32-5	Ice	5/09/08	Department of Health and Envir Control
3181		SR32-6	Barrier Free Building Design	5/10/08	LLR - Building Codes Council
3182		SR32-6	Building Code Repeals	5/10/08	LLR - Building Codes Council
3183		SR32-6	Modular Building Construction Act	5/10/08	LLR - Building Codes Council
3150		SR32-6	Hazardous Waste Management	5/10/08	Department of Health and Envir Control
3168		SR32-6	SCDOT Secretary of Transportation Approval of Actions	5/13/08	Department of Transportation
3111	R212	SR32-4	Coastal Division Regulations	5/13/08	Department of Health and Envir Control
3129		SR32-6	Licensing Criteria	5/14/08	Commission on Higher Education
3170		SR32-6	Nonpublic Postsecondary Inst. Licensing - Bond Funds	5/14/08	Commission on Higher Education
3161	R221	SR32-4	Water Classifications and Standards	5/16/08	Department of Health and Envir Control
3179	R211	SR32-4	Data Reporting Requirements - S.C. Hospitals	5/16/08	Budget and Control Board
3160		SR32-6	Shellfish	5/16/08	Department of Health and Envir Control
3162		SR32-6	Standards of Performance for Asbestos Projects	5/22/08	Department of Health and Envir Control
3134		SR32-6	Standards for Licensing Nursing Homes	5/22/08	Department of Health and Envir Control
3180		SR32-6	Actuarial Opinion and Memorandum Regulation	5/30/08	Department of Insurance
3178		SR32-6	Data Reporting Requirements - Ambulatory Data	5/31/08	Budget and Control Board
3172		SR32-6	SC Residency Program	6/04/08	Commission on Higher Education
3173		SR32-6	SC HOPE Scholarship	6/04/08	Commission on Higher Education
3185		SR32-6	SC Need-based Grants Program	6/04/08	Commission on Higher Education
3158		SR32-6	Sales Tax	6/04/08	Department of Revenue
3159		SR32-6	Accommodation	6/04/08	Department of Revenue
3163		SR32-6	Sales Tax	6/04/08	Department of Revenue
3164		SR32-6	Communications Services	6/04/08	Department of Revenue
3165		SR32-6	Transportation Project Prioritization	6/04/08	Department of Transportation
3167		SR32-6	SCDOT Commission Approval of Actions	6/04/08	Department of Transportation
3195		SR32-6	Prequalification of Bidders	6/04/08	Department of Transportation
3193	R266	SR32-6	Practice of Dietetics within the State of SC	1/17/09	LLR - Panel for Dietetics
Sine Die Revision 6/25/08					
3189		SR32-7	Food Tax	1/27/09	6/20/08 Department of Revenue
3191		SR32-7	Advanced Placement	2/01/09	6/25/08 State Board of Education
3192		SR32-7	Requirements for Additional Areas of Certification	2/01/09	6/25/08 State Board of Education
3202			Requirements for Licensure as a Physical Therapist	3/03/09	2/11/09 LLR - Board of Physical Therapy Examiners
3201			Mobile Dental Facilities and Portable Dental Operations	3/04/09	2/12/09 LLR - Board of Dentistry
3196			S.C. National Guard College Assistance Program	3/23/09	3/03/09 Commission on Higher Education
3206			Application, Renewal and Continuing Education	3/31/09	3/11/09 LLR - Board of Chiropractic Examiners

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

3207	Board of Veterinary Medical Examiners Chapter Revision	3/31/09	3/11/09	LLR - Bd of Veterinary Medical Examiners
3204	Licensing Standards for Continuing Care Retirement Communities	4/01/09	3/12/09	Department of Consumer Affairs
3199	South Carolina Trauma Care Systems	4/01/09	3/12/09	Department of Health and Envir Control
3209	Operation of Public Pupil Transportation Services	4/27/09	4/07/09	State Board of Education
3214	Fire Prevention and Life Safety	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3215	Fire Prevention and Life Safety for Special Occupancies	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3216	Explosives	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3217	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3218	Liquefied Petroleum (LP) Gas	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3219	Fireworks and Pyrotechnics	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3220	Fire Prevention and Life Safety in Local Detention Facilities	5/12/09	4/22/09	LLR - Office of State Fire Marshal
3213	Annual Audited Financial Reporting Regulation	5/20/09	4/30/09	Department of Insurance

Committee Requested Withdrawal:

3166	SCDOT Chief Internal Auditor			Department of Transportation
3184	Restructuring ATF Regulations - Pyrotechnic Safety			LLR - Board of Pyrotechnic Safety

Permanently Withdrawn:

3118	Mobile Dental Facilities and Portable Dental Operations			LLR: Board of Dentistry
3127	Chapter Revision			LLR - Veterinary Medical Examiners

COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
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
3122	Wildlife Management Area Regulations	Agriculture and Natural Resources	Fish, Game and Forestry
3113	Solid Waste Management	Agriculture and Natural Resources	Medical Affairs
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
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
3138	Free Textbooks	Education and Public Works	Invitations
3151	South Carolina Birth Defects Program	Medical, Military, Pub & Mun Affairs	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
3139	Ice	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
3150	Hazardous Waste Management	Agriculture and Natural Resources	Medical Affairs
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
3134	Standards for Licensing Nursing Homes	Medical, Military, Pub & Mun Affairs	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
3165	Transportation Project Prioritization	Education and Public Works	Transportation
3167	SCDOT Commission Approval of Actions	Education and Public Works	Transportation
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
3202	Requirements for Licensure as a Physical Therapist	Medical, Military, Pub & Mun Affairs	Medical Affairs
3201	Mobile Dental Facilities and Portable Dental Operations	Medical, Military, Pub & Mun Affairs	Medical Affairs
3196	S.C. National Guard College Assistance Program	Education and Public Works	Education
3206	Application, Renewal and Continuing Education	Medical, Military, Pub & Mun Affairs	Medical Affairs
3207	Board of Veterinary Medical Examiners Chapter Revision	Agriculture and Natural Resources	Labor, Commerce and Industry
3204	Licensing Standards for Continuing Care Retirement Communities	Medical, Military, Pub & Mun Affairs	Medical Affairs
3199	South Carolina Trauma Care Systems	Medical, Military, Pub & Mun Affairs	Medical Affairs
3209	Operation of Public Pupil Transportation Services	Education and Public Works	Education

4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

3214	Fire Prevention and Life Safety	Labor, Commerce and Industry	Labor, Commerce and Industry
3215	Fire Prevention and Life Safety for Special Occupancies	Labor, Commerce and Industry	Labor, Commerce and Industry
3216	Explosives	Labor, Commerce and Industry	Labor, Commerce and Industry
3217	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems	Labor, Commerce and Industry	Labor, Commerce and Industry
3218	Liquefied Petroleum (LP) Gas	Labor, Commerce and Industry	Labor, Commerce and Industry
3219	Fireworks and Pyrotechnics	Labor, Commerce and Industry	Labor, Commerce and Industry
3220	Fire Prevention and Life Safety in Local Detention Facilities	Labor, Commerce and Industry	Labor, Commerce and Industry
3213	Annual Audited Financial Reporting Regulation	Labor, Commerce and Industry	Banking and Insurance

Committee Requested Withdrawal:

3166	SCDOT Chief Internal Auditor	Education and Public Works	Transportation
3184	Restructuring ATF Regulations - Pyrotechnic Safety	Labor, Commerce and Industry	Labor, Commerce and Industry

Permanently Withdrawn:

3118	Mobile Dental Facilities and Portable Dental Operations	Medical, Military, Pub & Mun Affairs	Medical Affairs
3127	Chapter Revision		Medical Affairs

**BUDGET AND CONTROL BOARD
OFFICE OF RESEARCH AND STATISTICS**

NOTICE

Pursuant to the South Carolina Code of Laws, Section 15-41-30 requires the Economic Research Section of the Office of Research and Statistics of the State Budget and Control Board to adjust each dollar amount in subsection (A), items (1) through (14), by the change in the Southeastern Consumer Price Index, All Urban Consumers, as published by the U.S. Department of Labor Statistics, for the most recent year ending immediately before January first preceding July first. We computed the change in the index as the change in the average value of the index for the period from January 1, 2007 through December 31, 2007 compared to the average value of the index for the period from January 1, 2006 through December 31, 2006. This percentage change was 2.9 percent. Each dollar amount that represents this change has been rounded to the nearest twenty-five dollars as required by law. The attached table represents the changes that should be made to each dollar amount in Section 15-41-30(A)(1) through (14).

Section 15-41-30. Property Exempt from Attachment, Levy, and Sales.

Subsection	Amount Specified as of May 22, 2008	Adjusted for Inflation 1/
1	\$ 50,000	\$ 51,450
	\$100,000	\$102,900
2	\$ 5,000	\$ 5,150
3	\$ 4,000	\$ 4,125
4	\$ 1,000	\$ 1,025
5	\$ 5,000	\$ 5,150
6	\$ 1,500	\$ 1,550
7	\$ 5,000	\$ 5,150
8	Unspecified	
9	\$ 4,000	\$ 4,125
10	Unspecified	
11	Unspecified	
12	Unspecified	
13	Unspecified	
14	Unspecified	

Notes: All calculations made by the Board of Economic Advisors.

1/ Dollar amounts are adjusted by the change in the Southeastern Consumer Price Index, All Urban Consumers, for the most recent year ending immediately before January first preceding July first, and rounded to the nearest twenty-five dollars (Section 15-41-30 (B)).

Sources: U.S. Department of Labor, Bureau of Labor Statistics; Legislative Printing and Information Technology Systems (Act 225 of 2007, H.B.3816).

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

Regulation 61-79, Hazardous Waste Management Regulations

The U.S. Environmental Protection Agency published a list of corrections to the Code of Federal Regulations in the Federal Register on July 14, 2006, at 71 FR 40254. These corrections affect South Carolina's Regulation 61-79, Hazardous Waste Management Regulations.

The following list of corrections come from the list in the Federal Register and are a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that have been deleted or moved to new locations without correction of the citations, and similar mistakes appearing in numerous final rules published in the Federal Register. These corrections do not create new regulatory requirements.

South Carolina is publishing this errata sheet to correct errors listed below that have been previously promulgated in Regulation 61-79 that still remain in the South Carolina regulation. The rule citation and corrections are listed along with the date of the State Register in which the rule was promulgated.

Instructions

Citation & Text

Promulgation Date and State Register Citation

260.10 Definitions

In the definition of "*Incompatible waste*" replace "part 265" with "parts 264 and 265" in the parenthetical phrase at the end of the definition.

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

260.40(a) replace the citation "261.6(a)(2)(iv)" with "261.6(a)(2)(iii)"

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

260.41 introductory paragraph replace the citation "261.6(a)(2)(iv)" with "261.6(a)(2)(iii)"

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.3(a)(2)(i) replace the reference to "Table I" with "Table 1" (*i.e.*, replace the letter "I" with the number "1")

Adopted in Document 2443, *South Carolina State Register* Vol. 16, Issue 11, November 1999

261.6(a)(2)(i) remove the parenthetical phrase "(subpart C)" and add "(part 266, subpart C)" in its place

Adopted in Document 1681, *South Carolina State Register*, Vol. 17, Issue 12, December 1993.

261.6(a)(2)(ii) remove the parenthetical phrase "(subpart H)" and add "(part 266, subpart H)" in its place

Adopted in Document 1681, *South Carolina State Register*, Vol. 17, Issue 12, December 1993.

261.6 (a)(2)(iii) correct reserved date from 5/06 to read: [Reserved 6/06]

Adopted in Document 3003 *South Carolina State Register* Vol. 30, Issue 6, June 2006

261.6(a)(2)(iv) remove the parenthetical phrase "(subpart F)" and add "(40 CFR part 266, subpart F)" in its place

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

261.6(a)(2)(v) remove the parenthetical phrase “(subpart G)” and add “(40 CFR part 266, subpart G)” in its place

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

261.24(b) replace the reference to “Table I” with “Table 1” (i.e., replace the letter “I” with the number “1”)

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.31(a)/Table add a footnote at the bottom to read as follows: “*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.32/Table “K107” entry - in the second column of the row beginning “K107”, amend “1,1- dimethylhydrazine” by deleting the hyphen to read “1,1-dimethylhydrazine”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.33(e)/Comment amend the bracketed Comment, by adding the following sentence to the end of the comment: “Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.33(e)/Table replace “Ethanimidothioc” with “Ethanimidothioic”;

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

261.33(f)/Comment amend the bracketed Comment by adding the following sentence to the end of the comment: “Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

261.38/Table 1 replace the column one subheading “Halogenated Organic:” with “Halogenated Organics:”; and under “Halogenated Organics:”, insert a closing bracket “]” after the chemical name “Dichloromethoxy ethane [Bis(2- chloroethoxy)methane]”

Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999

261, Appendix VII -- in the second column of the “F002” row, replace “trichfluoroethane” with “trifluoroethane”; in the second column of the “F038” row, add a comma between “benzo(a)pyrene” and “chrysene” with “benzo(a)pyrene, chrysene”; in the second column of the “F039” row, replace the citation “40 CFR 268.43(a)” with “40 CFR 268.43”; in the second column of the “K001” row, replace “cresosote” with “creosote”;

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

261, Appendix VIII in the third column of the “Allyl chloride” row, replace “107-18-6” with “107-05-1”; in the second column of the “1,2-Dichloroethylene” row, replace “-dichlrol-” with “-dichloro-”; in the third and fourth columns of the “Lasiocarpine” row, replace “303-34-1” with “303-34-4”; and replace “4143” with “U143”; in the third column of the “Nitrosamines, N.O.S.” row, replace “35576-91-1D” with “35576-91-1”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.34(a)(1)(iv) - replace the beginning phrase “The waste is placed in containment buildings” with “In containment buildings”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

262.53(b) - in the first address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”; in the second address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division

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(2222A)” with “Office of Federal Activities, International Compliance Assurance Division”, after “Ariel Rios Bldg.,” insert “Room 6144” and after “Washington, DC” insert “20004”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.56(b) - in the first address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”; in the second address replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division”, after “Ariel Rios Bldg.,” insert “Room 6144” and after “Washington, DC” insert “20004”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.58(a)(1) - update the list of designated OECD Member countries by adding in alphabetical order: the Czech Republic, Hungary, Poland, the Slovak Republic, and South Korea; insert “the” before “Netherlands” and “United Kingdom”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.81(k) - replace “RCRA information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203” with “RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC 20460”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.82(a)(1)(ii) - replace “Greenlist waste” with “Green-list wastes”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.83(b)(1)(i) - replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.83(b)(2)(i) - replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.84(e) - replace “3 working days” with “three working days ” and “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)” with “Office of Federal Activities, International Compliance Assurance Division (2254A)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.87(a) - replace “Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A)”, with, “Office of Federal Activities, International Compliance Assurance Division (2254A)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

262.87(a)(5) introductory paragraph - insert a space in “100kg” and “1000kg” to read “100 kg” and “1000 kg”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

264.13(b)(7)(iii)(B) - replace the semicolon (;) at the end of the subsection with a colon (:)

Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990

264.18(a)(2)(iii) - replace “Quarternary” to read “Quaternary”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

264.97 (a)(1) introductory paragraph - replace “background water” with “background ground water”

Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990

- 264.97(a)(1)(i) - replace “background quality” with “background ground-water quality”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.98(g)(4)(i) - replace “concentration or any” with “concentration of any”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.101(d) - replace the phrase “This does not apply” with “This section does not apply”
Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000
- 264.111(c) - replace “subpart” with “part”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264.116 - replace “landfills cells” with “landfill cells”
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.143(b)(7) - replace “then the penal sum” with “than the penal sum”
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.143 (b)(8) - replace “as evidence by” with “as evidenced by”
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.145(f)(11) introductory paragraph - replace “for this section” with “of this section”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264.151, (h)(2), Recitals, item 14 - close bracket
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.193 (e)(2)(ii) - replace the colon with a semicolon
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.193(e)(2)(iii) - replace the colon with a semicolon
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.193(e)(2)(v)(A) - replace the citation “ 262.21” with “261.21”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.193(e)(2)(v)(B) - replace the citation “262.21” with “261.23”, and replace the period after the word “vapor” with a semicolon and add the word “and”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.193(e)(3)(i) - replace the period at the end with a semicolon
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 264.193(g)(1)(iii) - replace the comma after the word “water” with a semi-colon
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.193(g)(2)(i)(A) - replace the period with a comma
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.221(c)(1)(i)(B) - replace “1x10⁻⁷/ cm/sec” with “1x10⁻⁷ cm/ sec”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

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264.221(c)(2)(ii) - replace “1x10⁻¹/ cm/sec” with “1x10⁻¹ cm/ sec” and replace “3x10⁻⁴/ m2sec” with “3x10⁻⁴ m2/sec”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.221(e)(2)(i)(B) - add quotation marks around “underground source of drinking water”

Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.

264.223(b)(1) - replace “exceedence” with “exceedance”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.301(c)(2) - replace “paragraphs (3)(c)(iii) and (iv)” with “paragraphs (c)(3)(iii) and (iv)”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.301(e)(2)(i)(B) - add quotation marks around “underground source of drinking water”

Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.

264.302(b) - remove the comma after the citation “264.303(c)”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.304(b)(1) - replace “exceedence” with “exceedance”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.552(e)(4)(iii) - replace the colon at the end of the paragraph with a period

Adopted in Document 2834, *South Carolina State Register* Vol. 27, Issue 6, Part 1, June 2003

264.552(e)(4)(iv)(F) - replace the citation “40 CFR 260.11(11)” with “40 CFR 260.11(a)(11)”

Adopted in Document 2834, *South Carolina State Register* Vol. 27, Issue 6, Part 1, June 2003

264.552(e)(6)(iii)(E) - replace “Hydrological” with “Hydrogeological”

Adopted in Document 2834, *South Carolina State Register* Vol. 27, Issue 6, Part 1, June 2003

264.554(a) introductory paragraph - replace “Director in according” with “Director according”

Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

264.573(a)(1) - replace the colon at the end of the paragraph with a semicolon

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 25, 1992

264.573(a)(4)(i) - and replace the citations “ 264.572(a) instead of 264.572(b)” with “264.572(b) instead of 264.572(a)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, September 1998

264.573(b) introductory paragraph - replace the citations “264.572(b) instead of 264.572(a)” with “264.572(a) instead of 264.572(b)”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

264.573(m)(2) - replace “clean up” with “cleanup”.

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

264.573(m)(3) - replace both occurrences of “clean up” with “cleanup” 264.573(m)(3)

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

- 264.1030(c) - replace “owner and operator receives” with “owner and operator receive”; and replace “owner and operator is subject” with “owner and operator are subject”
Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999
- 264.1033(f)(2)(vii)(B) - replace the period after the word “regular” with a comma
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 264.1035(c)(4)(i) - correct 270 EC to read 270°C (two times)
Adopted in Document 2902, *South Carolina State Register* Vol. 28, Issue 6, June 2004
- 264.1058(c)(1) - replace the period after the second occurrence of the word “detected” with a comma
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 264.1080(a) - replace “subparts I, J, or K” with “subpart I, J, or K”
Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2, September 1998
- 264.1080(c) - in the last sentence, replace “owner and operator is subject” with “owner and operator are subject”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 264.1101(b)(3)(iii) - replace the citation “264.193(d)(1)” with “264.193(e)(1)”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264.1101 (c)(3) introductory paragraph - replace “hazardous waste, must repair” with “hazardous waste, the owner or operator must repair”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264.1101(d) introductory paragraph - replace “For containment buildings that contain areas both” with “For a containment building that contains both areas”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264.1102(a) - remove the comma after “etc.”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 264, Appendix I/ Table 2, Section 2(d) - replace the line “T75 Tricking filter” with “T75 Trickling filter”
Adopted in Document 1809, *South Carolina State Register* Vol 18, Issue 12, December 1994.
- 265.1(c)(6) - replace “subparts C, D, F, or G” with “subparts C, F, G, or H”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.12(a)(1) - replace “of the date of the waste” with “of the date the waste” 265.12(a)(1)
Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998
- 265.19, amend paragraph (c)(2) - in the last sentence, replace “264.254(c)(1)” with “264.251(c)(1)”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.90(d) introductory paragraph - remove the comma after the phrase “he may”.
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 265.111(c) - replace “264.1102” with “265.1102”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

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- 265.112(b)(5) - replace “partial and final closure period” with “partial and final closure periods”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 265.112(d)(4) - in the next to last sentence, replace the citation “with 265.111” with “265.111”; replace “part, 265.197” with “part, and 265.197”; and replace the citation “264.1102” with “265.1102”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.119(b)(1)(ii) - replace the citation “40 CFR subpart G” with “40 CFR part 265, subpart G”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 265.140(b) introductory paragraph - replace the citation “265.146” with “265.145”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.142(a) - remove “265.178” from the list of sections
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.221(d)(2)(i)(A) - replace “in leaking?” with “is leaking”; replace “soil it is not” with “soil is not”; and replace “the owner of operator” with “the owner or operator”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.221(d)(2)(i)(B) - replace the citation “144.3 of this chapter” with “40 CFR 270.2”; and add quotation marks around “underground source of drinking water”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.259(b)(1) - replace “exceedence” with “exceedance”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.281(a)(1) - replace “265.21” with “261.21”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.301(a) - replace “in accordance with 264.301(d), (e), or (f) of this chapter” with “in accordance with 264.301(c), unless exempted under 264.301(d), (e), or (f) of this chapter”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.301(d)(2)(i)(B) - add quotation marks around “underground source of drinking water”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.303(b)(1) - replace “exceedence” with “exceedance”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.312(a)(1) - replace “dissolution or material” with “dissolution of material”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 265.316(d) - replace “260.10(a)” with “260.10”
Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990
- 265.405(a)(1) - replace “261.21 or 261.23 or this chapter” with “261.21 or 261.23 of this chapter”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.1033(f)(2)(ii) - replace the period with a comma after “±0.5 °C”
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

- 265.1035(b)(2) introductory paragraph - replace the period with a comma after the citation “265.1032”
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 265.1035(b)(2)(i) - replace “annual throughput end operating hours” with “annual throughput and operating hours”
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 265.1035(c)(4)(i) - correct 760 EC to read 760°C
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 265.1063(b)(4)(ii) - replace the period in “10.000” with a comma
Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992
- 265.1080(a) - replace the citation “subparts I, J, or K” with “subpart I, J, or K”
Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998
- 265.1085(h)(3) introductory paragraph - replace “under either or the following” with “under either of the following”
Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000
- 265.1090(f)(1) - replace “265.1084(c)(2)(i)” with “265.1083(c)(2)(i)”
Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999
- 265.1101(b)(3)(iii) - replace the citation “265.193(d)(1)” with “265.193(e)(1)”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.1101(c)(3) introductory paragraph - replace “hazardous waste, must repair” with “hazardous waste, the owner or operator must repair”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265.1101(d) introductory paragraph - replace “For containment” with “For a containment”
Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993
- 265, Appendix I/ Table 2 - in Section 2.(d), replace “T75 Tricking filter” with “T75 Trickling filter”; in Section 4., replace the heading “Miscellaneous (Subpart X)” with “Miscellaneous” and replace “X99 Other Subpart X (specify)” with “X99 Other (specify)”
Adopted in Document 1809, *South Carolina State Register* Vol 18, Issue 12, December 1994.
- 265, Appendix V/Table - Under the Group 1–A column, replace the phrase “Akaline caustic liquids” with “Alkaline caustic liquids”; and replace “Lime sludge and other corrosive alkalines” with “Lime sludge and other corrosive alkalies”
Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.
- 265, Appendix VI - in the entry “Dichlorvos (DDVP)”, replace the CAS No. “62737” with “62–73–7”; in the entry “Ethylene thiourea (2- imidazolidinethione)” replace the CAS No. “9–64–” with “96–45–7”; in the entry “Neopentyl glycol (dimethylolpropane)” replace “dimethylolpropane” with “dimethylpropane”; in the entry “1,3-Propane sulfone”, replace “sulfone” with “sultone”
Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999
- 266.80(a)/Table - in the third column, insert a comma after “(except for § 262.11)” in all four instances
Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

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266.100(b)(2)(iv) - replace “266.212” with “266.112”

Adopted in Document 2834, *South Carolina State Register* Vol. 27, Issue 6, June 27, 2003

266.102(a)(2)(vi) - replace “(Corrective Action)” with “(Releases from Solid Waste Management Units)”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.102(e)(3)(i)(E), - replace the citation “266.111(b)” with “266. 105(a)”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.102(e)(6)(iii)(B)(2) - replace “of preceding” with “of the preceding”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.102(e)(8)(iii) - replace “values” with “valves”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.103(a)(4)(vii) - replace “265.147–265.151” with “265.147–265.150”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.103(b)(5)(ii)(A) - replace “on a hourly” with “on an hourly”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.103(c)(1)(i) - replace paragraph (c)(1)(i) to read as follows: Feed rate of total hazardous waste and (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under 266.106(b) or (e)), pumpable hazardous waste

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

266.103(c)(1)(ix) introductory paragraph - replace (c)(1)(ix) introductory text to read as follows: For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under 266.107(b)(1) or (e) (Note: SC regs includes all of the above except needs to add “the” before “Tier I...))

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

266.103(g)(1)(i) - replace “on a hourly” with “on an hourly”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

266.106(d)(1) - delete the second appearance of the phrase “dispersion modeling to predict the maximum annual average off-site ground level concentration for each”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

266.109(b) introductory paragraph - in the paragraph heading, replace “*particular*” with “*particulate*”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, subpart N heading - replace “Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage and Disposal” with “Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal”

Adopted in Document 2735, *South Carolina State Register* Vol. 26, Issue 6, Part 2 of 2, June 2002

Part 266, Appendix III - in the column headings replace each of the three occurrences of “C12” with “Cl2”, and “HC1” with “HCl” (i.e., replace the “1” (one) to be a lower-case letter L in all six cases)

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, Appendix IV - replace the entry “Maleic Anyhdride” with “Maleic Anhydride”; replace the entry “2.4.5- Trichlorophenol” with “2,4,5- Trichlorophenol” (i.e., replace periods with commas)

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, Appendix V - replace the third column heading “Unit risk (m3/μg)” with “Unit risk (m³/μg)”; replace the fourth column heading “RsD (μg/m3)” with “RsD (μg/m³)”; replace the entry “Benxene” with “Benzene”; replace the entry “Hexachlorodibenxo-p-dioxin (1,2 Mixture)” with “Hexachlorodibenzop- dioxin (1,2 Mixture)”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, Appendix VI - in the first column heading “Flow rate (m3/s)” with “Flow rate (m³/s)”

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, Appendix IX - in the Table of Contents at 4.0, replace “Estimating Toxicity Equipment or” with “Estimating the Toxicity Equivalence of”; in the Table of Contents at 9.2, replace “Cl,” with “Cl2”; in Table 2.1–1 footnote 1, replace “of twice the permit limit” with “or twice the permit limit”; in Section 2.1.4.6, replace “the PA test” with “the RA test”; in Section 2.2.10, first sentence, replace “used In conjunction” with “used in conjunction”; in Section 5.0 at Table 5.0–5, for distance 10.00, replace the Generic source #1 value “9.4” in the second column with “29.4”; in Section 5.0 at Step 7(B), second sentence, insert a closing parenthesis after “(identified in Step 7(A)” with “(identified in Step 7(A))”;

Adopted in Document 1553, *South Carolina State Register* Vol. 17, Issue 5, May 1993

Part 266, Appendix XIII - at item number 14 replace “levels or mercury” with “levels of mercury”

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

268.2(g) - replace “A manufactured” with “a manufactured”; “Any material” with “any material”; “Process residuals” with “process residuals”; and “and Intact” with “and intact”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.6(c)(5) introductory paragraph - replace “section meet” with “section meets”

Adopted in Document 1552, *South Carolina State Register* Vol. 16, Issue 12, December 1992

268.7(a)(1) - insert a closing parenthesis at the end of the sentence that starts “(Alternatively, the generator” and in the second to last sentence, replace “solids contaminated” with “soils contaminated”

Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

268.7(a)(3)(ii) - insert the word “column” after the phrase “information in”, and insert a closing quotation mark after the citation “268.7(a)(3)”

Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999

268.7(b)(3)(ii)/ Table, entry 5 - insert a closing quotation mark after the citation “268.49(c)”

Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

268.7(b)(4)(ii) - replace “261.3(e)” with “261.3(f)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

268.7(c)(2) - remove the closing parenthesis from “Leaching Procedure)”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

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268.7(d)(1)(i) – (iii) - (ii) A description of the hazardous debris as initially generated, including the applicable EPA Hazardous Waste Number(s); and (iii) For debris excluded under § 261.3(f)(1) of this chapter, the technology from Table 1, § 268.45, used to treat the debris

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.7(d)(2) - replace the citation “§261.2(e)(1)” with “§261.3 (f)(1)”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.7(d)(3) - replace “261.3(e)(1)” with “261.3 (f)(1)”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.14(b) - replace “not withstanding” with “notwithstanding” in both instances

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.40/Table “TREATMENT STANDARDS FOR HAZARDOUS WASTES” - at the column heading “Wastewaters”, replace “Concentration in mg/L3” with “Concentration 3 in mg/L”; at the column heading “Nonwastewaters”,

check CFR

replace “Concentration in mg/kg5” with “Concentration5 in mg/kg”; at the entry “K047”, in the waste description column, replace “water form TNT” with “water from TNT”; at the entries “K049” and “K051”, replace the CAS number for “Chrysene” from “2218–01–9” to “218–01–9”; and replace the common name “indeno(1,2,3,-c,d)pyrene” with “indeno(1,2,3-cd)pyrene”; at the entry “K111”, replace the CAS number for “2,4-Dinitrotoluene” from “121–1–2” to “121–14–2”; at the entry “K114”,

in the waste description column, replace the common name “dinitrotoluene” with “dinitrotoluene”; at the entry “K156”, replace the CAS number for “Acetophenone” from “96– 86–2” to “98–86–2”; at the entry “U134”, replace the CAS number “16984–48–8” with “7664–39–3”; at the entry “U137”, replace in the waste description and in the common name columns “indeno(1,2,3- c,d)pyrene” with “indeno(1,2,3- cd)pyrene” in both instances amend the entry for Technology code “SSTRP” in the second column as follows: in the first sentence, replace “as well as, temperature and pressure ranges have” with “as well as temperature and pressure ranges, have” (i.e.,

remove commas); in the second sentence, insert a comma after the phrase “parameters of the unit”; remove the comma in the phrase “such as, the number”; and replace the period at the end of “the internal column design.” with a comma; in the third sentence, replace “Thus, resulting” with “thus resulting”

Adopted in Document 2443, *South Carolina State Register* Vol. 23, Issue 11, November 1999

268.44(c) - in last sentence of the certification statement, replace “I am aware that these are” with “I am aware that there are”

Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990

268.42/Table 1 - amend the entry for Technology code “SSTRP” in the second column as follows: in the first sentence, replace “as well as, temperature and pressure ranges have” with “as well as temperature and pressure ranges, have” (i.e., remove commas); in the second sentence, insert a comma after the phrase “parameters of the unit”; remove the comma in the phrase “such as, the number”; and replace the period at the end of “the internal column design.” with a comma; in the third sentence, replace “Thus, resulting” with “thus resulting”

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

268.44(c) - in last sentence of the certification statement, replace “I am aware that these are” with “I am aware that there are”

Adopted in Document 1323, *South Carolina State Register* Vol. 14, Issue 12, November 1990

268.45/Table 1 - at item B.2.a., first column, replace “electolytic” with “electrolytic”;

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

268.48/Table “UNIVERSAL TREATMENT STANDARDS” - at the column heading “Wastewater standard”, replace “Concentration in mg/l2” with “Concentration2 in mg/l”; at the column heading “Nonwastewater standard”, replace “Concentration in mg/kg3” with “Concentration3 in mg/kg”; replace the next entry “1,2,3,4,6,7,8- Heptachlorodibenzofluran (1,2,3,4,7,8,9- HpCDF)” (CAS number 55673–89–7) with “1,2,3,4,7,8,9– Heptachlorodibenzofluran (1,2,3,4,7,8,9–HpCDF)”

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

268.50(c) - replace “A owner/operator” with “An owner/operator”

Adopted in Document 894, *South Carolina State Register* Vol. 11, Issue 11, part II, November 1987.

268.50(g) replace “requirements in this do not” with “requirements in this section do not”

Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

Part 268, Appendix VIII - remove the second instances of the entries for “K011” “Nonwastewater” and for “K011” “Wastewater”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

270.10(j) - replace “stores, treats, or dispose of” with “stores, treats, or disposes”

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 1993

270.11(d)(2) - in certification statement, replace “upon information and belief” with “to the best of my knowledge and belief”

Adopted in Document 2527, *South Carolina State Register* Vol. 24, Issue 8, August 2000

270.12(d)(1) in paragraph:

270.14(b)(11)(ii)(B) - replace “with 200 feet” with “within 200 feet”

Adopted in Document 2332, *South Carolina State Register* Vol. 22, Issue 9, Part 2 of 2, September 1998

270.42 Appendix I - at item C.6, replace the citation “264.98(j)” with “264.98(h)”; at item C.7.a, replace the citation “264.98(h)(4)” with “264.98(g)(4)”; at item C.7.b, replace the citation “264.99(k)” with “264.99(j)”; at item C.8.a, replace the citation “264.99(i)(2)” with “264.99(h)(2)”;

Adopted in Document 1553, *South Carolina State Register* Vol.17, Issue 5, Part II, May 28, 1993.

270.42 Appendix I at item H.6, replace the modification class code “1” with “11”; at item J.7, replace the modification class code “1” with “11”;

Adopted in Document 1681, *South Carolina State Register* Vol. 17, Issue 12, December 24, 1993

270.42 Appendix I at item L.9, replace “Changes Needed to meet Standards” with “changes needed to meet standards”

Adopted in Document 2443, *South Carolina State Register* Vol 23, Issue 11, November 1999

273.14(a) - add closing quotation marks after the phrase “Universal Waste— Battery(ies),”

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

273.34(a) - replace “clearly with the any one” with “clearly with any one”

Adopted in Document 2041, *South Carolina State Register* Vol. 20, Issue 5, May 1996

18 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

Regulation 61-107, Solid Waste Management, was amended by Document 3113 and took effect by publication in the State Register as final regulation amendments on May 23, 2008. In this amendment, new regulation section 61-107.19, Solid Waste Management: Solid Waste Landfills and Structural Fill, was added to R.61-107. At Part IV, Section H.2.d of new regulation section 61-107.19, the reference in the text was cited as H.5. There is no such section H.5 in this regulation and the correct reference is H.4. This errata notice is being issued to correct the reference citation.

Regulation 61-107.19, Part IV.H.2.d is corrected to read:

d. Complete engineering plans, drawings and reports in accordance with Section H.4 below, that are stamped by a Professional Engineer duly licensed to practice in the State of South Carolina; and,

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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 July 25, 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

Purchase and installation of a four (4) slice Computed Tomography (CT) scanner
Lowcountry Medical Associates, P.C.
Mount Pleasant, South Carolina
Project Cost: \$614,960

Purchase and installation of a da Vinci "S" Surgical System to be located in the surgical services department
Trident Medical Center
Charleston, South Carolina
Project Cost: \$1,901,460

Affecting Clarendon County

Construction and renovation for the expansion of the Emergency Department and the subsequent addition of twenty-five (25) general acute care beds for a total licensed bed capacity of eighty-one (81) licensed general acute care beds
Clarendon Health System
Manning, South Carolina
Project Cost: \$22,203,375

Affecting Richland County

Conversion of four (4) Level II intermediate care beds to four (4) Level III intensive care beds in the Neonatal Intensive Care Unit (NICU) for a total of thirty-one (31) Level III intensive care beds and thirty-four (34) Level II intermediate care beds

Palmetto Health Richland
Columbia, South Carolina
Project Cost: \$ 0

Affecting Spartanburg County

Renovation of existing space and construction of additional space for the expansion of the Emergency Department
Mary Black Memorial Hospital
Spartanburg, South Carolina
Project Cost: \$8,385,319

Renovation to upfit shelled space in the Patient Services Pavillion located above the Emergency Center to accommodate the relocation of three patient floors and existing Critical Care units (NIC, ICU and MIC) which will include forty-four (44) licensed acute care beds currently not in operation; the creation of a Step-Down Unit in the space vacated by the Medical ICU (MIC); and construction of a partial atrium to connect the Patient Services Pavillion with the Heart Center and existing surgery buildings
Spartanburg Regional Healthcare System
Spartanburg, South Carolina
Project Cost: \$ 49,998,394

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 July 25, 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 Beaufort County

Replacement of the existing mobile Positron Emission Tomography (PET) services with mobile Positron Emission Tomography/Computed Tomography (PET/CT) services
Beaufort Memorial Hospital
Beaufort, South Carolina
Project Cost: \$379,500

Affecting Georgetown County

Addition of a mobile Positron Emission Tomography/Computerized Tomography (PET/CT) unit to provide service one (1) day per week on the campus of Waccamaw Community Hospital; the mobile services will be split between Waccamaw Community Hospital and Georgetown Memorial Hospital (SC-05-65) alternating services one (1) day per week between the two campuses
Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$415,527

Affecting Greenwood County

Construction of three (3) additional operating rooms (ORs) in its main surgical suite to consist of two general ORs and one specialized neurosurgical OR for a total of thirteen (13) operating rooms
Self Regional Healthcare
Greenwood, South Carolina
Project Cost: \$5,290,000

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Affecting Horry County

Replacement of the existing mobile Positron Emission Tomography (PET) unit a mobile Positron Emission Tomography/Computed Tomography (PET/CT) unit to operate two (2) days per week
Grand Strand Regional Medical Center
Myrtle Beach, South Carolina
Project Cost: \$847,598

Affecting Richland County

Conversion of four (4) Level II intermediate care beds to four (4) Level III intensive care beds in the neonatal intensive care unit (NICU) for a total of eight (8) Level III intensive care beds and twelve (12) Level II intermediate care beds
Palmetto Health Baptist
Columbia, South Carolina
Project Cost: \$0

Construction of a 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 & Rehabilitation Center
Columbia, South Carolina
Project Cost: \$3,038,700

Affecting Richland/Lexington Counties

Relocation of the existing sixteen (16) bed Detoxification Unit from 1325 Harden Street to a new proposed facility to be located at 2711 Colonial Drive, Columbia, South Carolina
Lexington-Richland Alcohol & Drug Abuse Council, Inc. (LRADAC)
Columbia, South Carolina
Project Cost: \$2,833,349

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

The Office of the Attorney General has notified the South Carolina Department of Health and Environmental Control of legal proceedings involving a determination of real property interest in tidelands. Pursuant to S.C. Code Ann. § 48-39-220 (Supp. 2008), the Department is providing notice to the public of the following legal action(s):

Virginia W. Alford,

vs.

Joseph L. Tamsberg, Jr., and State of South Carolina

No. 00-CP-10-0293

Charleston County

The South Carolina Court of Appeals Affirmed on July 6, 2007. An Order Denying Petition for Rehearing was issued on August 27, 2007. A Petition for Writ of Certiorari was filed on September 25, 2007. The Return of Respondent State of South Carolina to Petition for Writ of Certiorari was filed on November 26, 2007.

Lawrence K. Bradham, Jr., and Horseshoe Creek Development Corporation,
vs.
State of South Carolina
No. 06-CP-10-1122
Charleston County
An Amended Order Confirming Title was issued June 20, 2007.

Dinky's, LLC and Forrest G. Calvert,
vs.
State of South Carolina
No. 06-CP-08-222
Berkeley County
The Order of the Circuit Court was filed on November 7, 2007.

Trustees of the Folly Beach United Methodist Church, a/k/a Folly Beach Methodist Church,
vs.
Betty R. Norman, individually and as Personal Representative of the Estate of George A. Norman, Jr., and
South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource
Management
No. 04-CP-10-482
Charleston County
The Second Amended Complaint was filed on May 21, 2007. The State of South Carolina filed a Motion to
Intervene on June 4, 2007.

Hilton Head Plantation Property Owners' Association, Inc.,
vs.
Thomas M. Donald; Laura E. Donald; Dieter Meuderscheid; Rita Meuderscheid; M. Simone Lawrence; Alan
J. Palchak; Dori S. Palchak; Jacqueline T. Strickland; John J. Geiger; Joyce A. Geiger; J. Keith Elmlblad; June
A. Elmlblad; J. Louis Grant; Mary Jean Farley; Daniel M. Discoll; Leslie Hunt Driscoll; Vincent Paul Eck;
Cecile O'Neill Eck; Edgar B. Seeley; Cynthia H. Seeley; Guy M. Blount; Melanie Blount; The State of South
Carolina; and Jane Doe and Robert Roe
No. 03-CP-07-1331
Beaufort County
The South Carolina Court of Appeals Affirmed on July 6, 2007. The South Carolina Court of Appeals Order
Denying Petition for Rehearing was filed on October 26, 2007. A Petition for Writ of Certiorari was filed on
November 26, 2007.

H. Marshall Hoyler,
vs.
The State of South Carolina
2007-CP-07-3212
Beaufort County
The Complaint was filed on November 8, 2007.

Island Preservation Company, LP and Thomas Dewey Wise,
vs.
State of South Carolina and the South Carolina Department of Natural Resources, and Fenwick Properties,
LLC
06-CP-15-276
Colleton County
A Circuit Court Order Granting Plaintiffs' Motion for Partial Summary Judgment for Declaratory Judgment
was filed on May 4, 2007. A Motion to Reconsider was filed on May 17, 2007. A Notice of Appeal was filed
on July 25, 2007.

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Rutledge B. Leland, III,
vs.
State of South Carolina
2007-CP-10-1798
Charleston County
The Answer was filed on May 18, 2007.

Jeffrey A. Myers,
vs.
State of South Carolina
2007-CP-07-1953
Beaufort County
A Complaint was filed on July 16, 2007. The Answer was filed on October 11, 2007.

David E. Nelson and Marguerita G. Nelson,
vs.
State of South Carolina
No. 06-CP-10-4675
Charleston County
An Amended Complaint was filed on May 31, 2007. The Answer to Amended Complaint was filed on June 7, 2007.

O. Grady Query,
vs.
Carmen Burgess and State of South Carolina
No. 03-CP-10-2436
Charleston County
The Petition for Writ of Certiorari was denied on September 19, 2007.

Yelson Land Company, Inc.,
vs.
The State of South Carolina
2007-CP-10-2053
Charleston County
A Complaint was filed on May 16, 2007. The Answer was filed on June 8, 2007.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as Amended, the South Carolina Building Codes Council intends to adopt the 2008 Edition of the National Electrical Code for use in the state of South Carolina.

The Council specifically requests comments concerning sections of the proposed edition, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Council Administrator, at Post Office Box 11329, Columbia, SC 29211-1329, on or before September 1, 2008.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-40-10 et seq.

Notice of Drafting:

The South Carolina Department of Education proposes to repeal S.C. Code Ann. Regs. 43-600, Charter School Appeals. S.C. Code Ann. Section 59-40-70 (to be codified at Supp. 2008) was amended to provide that any appeals by a charter school applicant or a local school board of trustees with respect to an application may be appealed to the Administrative Law Court rather than the State Board of Education.

Interested persons may submit written comments to Shelly Bezanson Kelly, Esquire, South Carolina Department of Education, Office of General Counsel, 1429 Senate Street, Suite 1015, Columbia, SC 29201 or by e-mail to skelly@ed.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on, August 25, 2008.

Synopsis:

S.C. Code Ann. Section 59-40-70 (to be codified at Supp. 2008) was amended to provide that any appeals by a charter school applicant or a local school board of trustees with respect to an application may be appealed to the Administrative Law Court rather than the State Board of Education; therefore, S.C. Code Ann. Regs. 43-600 is no longer needed.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-60, 44-1-140(7), and 44-55-2310 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend S.C. Regulation 61-51, Public Swimming Pools (R.61-51). Interested persons are invited to submit their views and recommendations in writing to Richard Welch, P.E., Division of Drinking Water Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at welchra@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 25, 2008, the close of the drafting comment period.

Synopsis:

The Department proposes to amend R.61-51 to address multiple issues dealing with the construction and operation of public swimming pools in South Carolina. The amendments are needed to provide greater flexibility for the building of public swimming pools and are necessary in order to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State. Some of the issues which may be addressed include, but are not limited to, the following:

Design criteria and plans that meet Federal and/or State recommendations and requirements.

Safety requirements that ensure that the public, maintenance, and repair staff are aware and protected from potential hazards.

Revise specific chemical levels for better treatment and other health related issues.

Revise to include acceptance of operator certification by the Department.

24 DRAFTING

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

Additionally, the Department proposes to amend R.61-51 for compliance with statutory changes in the administrative appeals process pursuant to the S.C. Administrative Procedures Act.

Legislative review is required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-96 and 50-11-2200

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40, 123-51 and 123-52 "Hunt Units and Wildlife Management Area Regulations". The subject of the proposed action is to amend the regulations to modify existing seasons and methods and add new wildlife management areas to allow additional hunting opportunity. In addition, Regulation 123-55 will be established to clarify provisions of SC Code Section 50-11-96 concerning the introduction of fertility control or other chemical substances into wildlife. Any person interested may submit written comments to Breck Carmichael, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas.

Regulation 123-55 will be established to clarify the use of fertility control or other chemical substances on wildlife and exempt licensed pesticide applicators using registered pesticides in the control of unprotected species of birds from the permit requirement.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulations 7-401, 7-401.1, and 7-700 to revise the definition of "premises" for purposes of licenses or permits for beer, wine and liquor by the drink issued pursuant to Chapters 4 and 6, Title 61.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on August 25, 2008.

Synopsis:

The South Carolina Department of Revenue is considering amending SC Regulations 7-401, 7-401.1, and 7-700 to revise the definition of “premises” for purposes of licenses or permits for beer, wine and liquor by the drink issued pursuant to Chapters 4 and 6, Title 61.

Legislative review of these amendments will be required.

RIVERBANKS PARKS COMMISSION

CHAPTER 124

Statutory Authority: 1976 Code Sections 51-13-30 and 51-13-80

Notice of Drafting:

The Riverbanks Parks Commission seeks to promulgate regulations which govern, to the extent authorized by S. C. Code, Title 51, Chapter 13, the safety of life and the protection of public and private property within Park boundaries.

Interested parties should submit written comments to Mr. Satch Krantz, Executive Director, Riverbanks Zoo and Garden, P.O. Box 1060, Columbia, SC 29202. To be considered, comments should be received no later than 5:00 p.m. on August 25, 2008, the close of the drafting comment period.

Synopsis:

The Riverbanks Parks Commission seeks to promulgate regulations governing the safety of life and the protection of public and private property within Park boundaries. The proposed regulations will govern generally prohibited acts and behavior within the Park area, as well as provide for the method of enforcing regulations and the penalty for violations.

Legislative review of this proposal will be required.

26 PROPOSED REGULATIONS

Document No. 4001
CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Section 46-9-40

27-75. Plum Pox Virus Quarantine

Preamble:

The State Crop Pest Commission proposes to amend Regulation 27-75.3.C.2 by deleting the phrase “but not in a southeastern state” and adding the phrase “and is not under a state and/or federal quarantine. The proposed actions will focus on the most effective method of preventing the introduction of the disease into the State by giving greater effect to state and federal quarantines at point of origin. Moreover the proposed changes only impact Commission activity with respect to ornamental host material; the regulatory requirements for prunus fruit tree materials remain unchanged.

The Notice of Drafting was published in the State Register on May 23, 2008. No comments were received.

Section-by-Section Discussion

27-75.3.C.2

Prior enforcement efforts have focused on traceback activities, that is, determining the origin of infected material after it is discovered in South Carolina. By changing the language of this section, more effect is given to state and federal quarantines in areas where the disease has already been discovered, with the result that there is a greater probability of preventing the introduction of the virus into this State. Moreover enforcement of the existing regulation places an unnecessary burden on ornamental nursery operations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed changes to the regulation at a public hearing scheduled to be held in Conference Room 1, Center for Applied Technology, 511 Westinghouse Road, Pendleton, SC 29670 on Wednesday, September 9, 2008 at 10:00 AM. Should such hearing not be requested pursuant to Section 1-23-110(a)(3) on or before close of business on August 29, 2008, such hearing will be canceled without further notice.

Interested parties are also invited to submit written comments to the proposed amendments by writing to Christopher Ray, Ph. D. at the Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be considered comments must be received no later than close of business on August 29, 2008.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 27-75. Plum Pox Virus Quarantine

Purpose. Regulation 27-75 is being amended to refocus efforts to prevent the introduction of Plum Pox Virus into this State.

Legal Authority. The legal authority for Regulation 27-75 is Section 46-9-40, South Carolina Code of Laws.

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 copies to the regulated community and media notices to the general public.

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

The proposed amendments will provide a greater degree of protection to the agricultural community by focusing efforts at preventing the introduction of Plum Pox Virus into the State, as opposed to tracking the virus back to its source, once it has been discovered in this State.

DETERMINATION OF COSTS AND BENEFITS:

Agriculture will benefit if Plum Pox Virus is not brought into South Carolina.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendment should allow a greater probability that Plum Pox Virus will not be introduced into this State.

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

If this amendment is not adopted, there is the possibility that the Plum Pox Virus may arrive in state sooner rather than later, will not be timely detected, will multiply unnoticed, and that eradication activities will be hampered. Moreover the enforcement of the existing regulation places an unnecessary regulatory burden on ornamental nursery operators.

Statement of Rationale:

Amendment of this regulation is necessary to enhance the ability of the Commission to prevent the introduction of Plum Pox Virus into the State, while minimizing administrative burdens on ornamental nursery operators.

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.

28 EMERGENCY REGULATIONS

Filed: June 30, 2008 2:17pm

Document No. 4000
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

- 123-40. Wildlife Management Area Regulations
- 123-200. Regulations Applicable to Real Property Owned or leased as a Wildlife Management Area by the Department of Natural Resources
- 123-203. General Regulation
- 123-205. Regulations Applicable to Specific Properties

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Since Botany Bay Plantation is scheduled to open for public use in July, 2008 it is necessary to file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

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

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

(YY) Botany Bay Plantation WMA

All hunters, fishermen, and visitors must sign in and sign out upon entering or leaving Botany Bay Plantation WMA. Botany Bay Plantation WMA is closed to public access one hour after sunset until one hour before sunrise, except for special events regulated by DNR. Area is closed to general public access during scheduled deer and turkey hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is permitted on Friday, Saturday and Sunday, and is adult/youth catch and release only. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older, who may also fish.

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-200, 123-203 and 123-205. These regulations set use restrictions for DNR-owned and leased property. Since Botany Bay Plantation is scheduled to open for public use in July, 2008 it is necessary to file these regulations as emergency.

ARTICLE 5.5
REGULATION OF REAL PROPERTY OWNED OR LEASED BY DEPARTMENT

123-200. Regulations Applicable to Real Property Owned or leased as a Wildlife Management Area by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to all lands owned or leased by the Department of Natural Resources. This regulation applies to all lands, structures, and property owned or leased by the Department of Natural Resources, including but not limited to wildlife management areas, heritage preserves, boat landings, and game preserves or reserves.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123-40. The regulations below will apply to Department owned or leased wildlife management area lands in addition to R.123-40. In case of any conflict with R.123-40, this regulation will prevail.

123-203. General Regulation.

This section shall apply to all Department land, owned or leased except as provided in any regulation for Heritage Preserves in 123.204 or specific Department land designated in 123.205.

123-205. Regulations Applicable to Specific Properties.

FF. Botany Bay Plantation WMA

(1) Horseback riding by permit only, on roads open to vehicular traffic and areas specifically designated for horse riding. No groups larger than ten (10) horses. All dikes are closed to horseback riding. No horseback riding during scheduled deer, turkey and hog hunting except Sunday. Free permits are available at kiosks. Permit must be in possession while riding and data cards completed and returned to the kiosks upon leaving the area.

(2) No camping is allowed.

(3) All terrain vehicles are prohibited except those permitted by SCDNR for special management activities.

(4) The Fig Island shell rings are closed to all public access except organized scientific, management or educational activities permitted by the SCDNR.

(5) Access to the beach is by foot, bicycle or boat; no horses allowed on the beach. No dogs allowed on the beach. No collection, removal or possession of shells, fossils, driftwood or cultural artifacts is permitted except that youth (17 years of age and younger) may collect one quart of shells per day.

(6) Sea Cloud Landing on Ocella Creek and all other designated access points are restricted to non-trailerred watercraft.

(7) All hunters, fishermen and visitors must sign in and sign out upon entering or leaving.

(8) Botany Bay Plantation WMA is closed to public access one hour after sunset until one hour before sunrise except for special events regulated by DNR.

(9) No person may gather, collect, deface, remove, damage, disturb, destroy, or otherwise injure in any manner whatsoever the plants, animals (except lawful hunting), fungi, rocks, minerals, fossils, artifacts, or ecofacts including but not limited to any tree, flower, shrub, fern, moss, charcoal, plant remains, or animal remains. The Department may authorize the collection of certain material upon issuance of a permit as provided in 123-207.

(10) Shorebased fishing, shrimping, and crabbing, is allowed only on the front beach and in designated areas only.

(11) SCDNR reserves the right to close specific areas as needed for management purposes.

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Statement of Need and Reasonableness:

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

Fiscal Impact Statement:

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

Document No. 3191
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: 1976 Code Section 59-29-190

43-258.1. Advanced Placement

Synopsis:

The purpose of this request is to promulgate amendments to the regulation requiring teachers to take a three-hour graduate credit course to earn the endorsement to teach Advanced Placement (AP courses).

Section-by-Section Discussion

Section IV. Adding the additional option that allows teachers to complete forty-five hours of training provided by College Board–endorsed professional development opportunities provides greater options for educators teaching AP courses.

Deleting exception 3 will ensure that teachers wishing to become endorsed take the courses that target heavily on the AP curriculum and assessment.

Adding this component to the regulation will ensure that teachers of AP courses remain current and incorporate their training in the professional growth and development system. Presently, there is no requirement for AP teachers to take additional training once they receive initial endorsement.

The change in regulation will allow teachers to earn endorsement by successfully completing professional development provided by the College Board, including online course work.

In order to allow teachers a greater level of flexibility and increase the professional development opportunities for teachers of AP courses, it is recommended that the regulation be modified. The change will allow teachers to have AP endorsement added to their certificates by successfully completing forty-five hours of training provided by College Board–endorsed professional development opportunities. Currently, the regulation states that “each teacher of an Advanced Placement course shall have completed the appropriate Advanced Placement three graduate hour training program.”

Instructions: Amend in its entirety R 43-258.1, Advanced Placement, in Chapter 43 regulations

Text:

43-258.1. Advanced Placement

I. DEFINITION OF ADVANCED PLACEMENT COURSES

Advanced Placement (AP) Courses: Courses developed by the College Board with prescribed curricula and tests for which students receive high school credit and for which students scoring at an acceptable level on the AP examination will be eligible to receive college credit from participating institutions.

II. SCHOOL REQUIREMENTS FOR ADVANCED PLACEMENT OFFERINGS

All secondary schools whose organizational structure includes grades 11 or 12 shall offer an AP course(s).

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III. POPULATION TO BE SERVED

All students enrolled in AP programs for which funding is provided under these regulations shall be required to take the College Board administered examination.

IV. REQUIREMENTS FOR ADVANCED PLACEMENT TEACHERS

The South Carolina Department of Education will fund and coordinate AP teacher training courses. Each teacher of an AP course shall have completed the appropriate AP three-graduate-hour training program or have successfully completed forty-five hours of training provided by College Board endorsed professional development opportunities verified by the appropriate college or university.

Exception 1: Newly assigned teachers of AP courses will have one calendar year to meet the AP course training requirements.

Exception 2: Teachers who hold a PhD. in their subject area may have the training waived.

Teachers of AP courses shall meet annually with their Professional Growth and Development Plan evaluators to discuss appropriate goal setting and/or revision. The plan may include, but is not limited to, College Board workshops and professional development opportunities.

Fiscal Impact Statement:

None

Statement of Rationale:

The change in the regulation will allow teachers to earn endorsement by successfully completing professional development provided by the College Board, including online course work.

In order to allow teachers a greater level of flexibility and increase the professional development opportunities for teachers of AP courses, it is recommended that the regulation be modified. The change will allow teachers to have AP endorsement added to their certificates by successfully completing forty-five hours of training provided by College Board–endorsed professional development opportunities. Currently, the regulation states that “each teacher of an Advanced Placement course shall have completed the appropriate Advanced Placement three graduate hour training program.”

Document No. 3192
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110, and 59-17-130

43-62. Requirements for Additional Areas of Certification

Synopsis:

This regulation needs to be amended to facilitate the certification of individuals attempting to qualify for middle-level certification, which is scheduled for statewide implementation July 1, 2009. It also provides for add-on certification requirements for teachers of American Sign Language. The notice of drafting was published in the State Register on May 25, 2007.

Section-by-Section Discussion

Section I(A) The regulation that an approved preparation program designed for initial certification will be required for add-on certification effective July 1, 2009, has been eliminated, and current State Board of Education course requirements will remain in effect.

Section II(C-D) The grandfathering provisions for early childhood and elementary education certification have been deleted since the deadline for grandfathering has passed.

Section II(G) Add-on certification requirements for American Sign Language have been included.

Section II(G) The reference to foreign languages has been changed to world languages, and the order in which world languages now appears in the alphabetical listing of certification areas has been adjusted.

Section II(K) Add-on certification requirements for middle-level language arts, social studies, science, and mathematics have been streamlined and grandfathering provisions have been extended by one year in accordance with a legislative proviso passed in the spring 2007.

Section II(A-Q) The option of a temporary certificate has been eliminated since these certificates are no longer issued.

Section III(A-H) The same change has been made as in Section II above, relative to temporary certificates.

Section IV(A-E) The same change has been made as in Sections II and III above, relative to temporary certificates.

Other formatting adjustments and minor edits have been made throughout the document for consistency purposes.

Instructions: Amend in its entirety R 43-62, Requirements for Additional Areas of Certification, in Chapter 43 Regulations.

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Text:

43-62. Requirements for Additional Areas of Certification

I. GENERAL INFORMATION

A. Individuals who desire to add areas of certification to an existing certificate must complete a State Board of Education-approved program and present a passing score on the appropriate content-area examination in the specific subject field, or complete the following add-on certification requirements specified by the Board.

B. In the event that the State Board of Education should eliminate, revise, or adopt new certification areas, currently certified individuals who are affected may retain the areas of certification for which they previously qualified. However, the State Board of Education may require previously certified individuals to upgrade their certification by completing the new requirements within a specified period of time.

C. The following designations apply to the grade spans for teacher certification in South Carolina, effective September 1, 2005.

CERTIFICATION GRADE SPANS

Early childhood=	pre-Kindergarten–grade 3
Elementary	= grades 2–6
Middle-level	= grades 5–8
Secondary	= grades 9–12

The areas of art, music, physical education, English for Speakers of Other Languages (ESOL), foreign languages, theater, and exceptional children education (all categories) have a pre-Kindergarten (pre-K)–12 grade span.

D. Instructional areas may not be added to certificates in guidance, media specialist, or school psychologist unless the applicant has completed a teacher education program designed and approved for initial certification purposes.

E. Certification is divided into four sections: (1) regular program, (2) exceptional children education, (3) career and technology education, and (4) other types of specialized certification.

II. REGULAR PROGRAM ADD-ON CERTIFICATION REQUIREMENTS

The following areas are included:

- A. Art
- B. Driver Education
- C. Early Childhood Education
- D. Elementary Education
- E. English
- F. English for Speakers of Other Languages (ESOL)
- G. Gifted and Talented
- H. Health Education
- I. Mathematics
- J. Middle-level Education
- K. Music Education

- L. Physical Education
- M. Reading
- N. Science
- O. Social Studies
- P. Theater
- Q. World Languages

A. Art

- 1. Bachelor’s degree
- 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
- 3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Art History/Appreciation	6
Work devoted to the basic techniques of design and color	6
Work devoted to drawing and painting (the student should use as many different media as possible)	6
School art program	3
Crafts	3

B. Driver Education

- 1. Bachelor’s degree
- 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
- 3. Evidence of at least three years of successful driving experience. Applicant must provide a copy of his or her driver’s record from the applicable state transportation department. An applicant whose driver’s license has six or more points against it will not be accepted for add-on certification in driver education.

4. Valid driver’s license issued by South Carolina or another state in which the teacher is a legal resident. (If a teacher holding certification in driver education has his or her driver’s license revoked or suspended, the teacher must report this action to the Office of Educator Certification upon which the certification in driver education will automatically be rescinded.)

5. Professional education

The following twelve (12) hours are required to add the area of driver education to an existing certificate.	<u>Semester Hours</u>
Basic instructor’s course in driver education	3
Advanced instructor’s course in driver education	3
Electives (from the list below)	6
Range and Simulation of Driver Education	

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Emergency Maneuvers
Multimedia Systems in Traffic Safety Education
Research Methods in Traffic Safety Education
General Safety
Drugs in Relation to Highway Safety
Motorcycle Safety Education
Administration of Traffic Safety Education

C. Early Childhood Education

1. Bachelor's degree
2. Initial or professional certificate at the elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. <u>Specialized Preparation</u>	<u>Semester Hours</u>
The Behavior and Development of the Young Child*	3
Curriculum for Early Childhood Education	3
Methods and Materials for Early Childhood	3
Practicum in Early Childhood Education**	3
Teaching Reading at the Elementary Level	3
OR	
Emergent Literacy	
Content courses in math, science, and social studies (each must be represented)	9

*Credits earned in the area of child psychology are acceptable.

**The practicum requirement may be waived based on one year's successful experience teaching in pre-K to third grade.

D. ELEMENTARY EDUCATION

1. Bachelor's degree
2. Initial or professional certificate in early childhood, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. <u>Specialized Preparation</u>	<u>Semester Hours</u>
Teaching of Reading in the Elementary School	6
Child Growth and Development	3
Mathematics for the Elementary School Teacher	3
Science for the Elementary Teacher	3
Social Studies for the Elementary Teacher	3

One of the following courses 3

- Literature for Children
- Art for the Elementary School Teacher
- Music for the Elementary School Teacher
- Health for the Elementary School Teacher

E. ENGLISH

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation Semester Hours

Language Structure and Skills

Composition and Rhetoric	6
Advanced Composition and Rhetoric	3
Development of Modern English	3
Modern English Grammar	3
Teaching of Reading (Secondary)	3

Literature

British Literature	3
American Literature	3
Adolescent Literature	3
Literary Criticism	3
Electives (Literature)	6

5. Endorsement in Advanced Placement English requires certification in English and the successful completion of the requisite Advanced Placement Institute.

F. ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL)

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the South Carolina content area examination(s) required by the State Board of Education

4. Specialized Preparation Semester Hours

Principles and Strategies for Teaching ESOL to Elementary and Secondary Learner	3
Linguistics	3
Teaching Reading and Writing to Limited English Proficient (LEP) Learners	3

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Two electives from the following courses

6

Practicum in the Instruction of ESOL to Elementary and Secondary Learners*

Testing/Assessment for Language Minority Learners

ESOL Curriculum Design and Materials Development

Teaching English through the Content Areas

Bilingual Special Education

Second Language Acquisition for Teachers of Elementary and Secondary Learners

English Grammar/Structure

Cultural Diversity in Education

*Practicum may be waived based on one year's successful experience teaching ESOL.

5. Second-language learning experiences documented by any one of the following:

(a) six semester hours in a single second language;

(b) completion of intensive language training by the Peace Corps, the Foreign Service Institute, or the Defense Language Institute;

(c) placement in a third-year-level course in the foreign language department at an accredited college or university; or

(d) demonstration of second-language proficiency in a language that is unavailable at accredited institutions through verification in writing from an official designated by the South Carolina Department of Education.

G. GIFTED AND TALENTED EDUCATION

1. Bachelor's degree

2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation

Requirements for elementary level

Semester Hours

Nature and Needs of Gifted and Talented Students 3

Introduction to Curriculum and Instruction for Gifted and Talented Students 3

Advanced Curriculum Practices for Gifted and Talented Students 3

Identification, Current Trends, and Issues in Gifted and Talented Education 3

Special Topics in Gifted and Talented Education 3

Practicum in Gifted and Talented Education 3

Requirements for middle-level

Nature and Needs of Gifted and Talented Students 3

Introduction to Curriculum and Instruction for Gifted 3

Advanced Curriculum Practices for Gifted and Talented Students 3

Content-area courses at the graduate level* 9

*For middle school teachers, content-area courses at the graduate level must be applicable to curriculum and instruction at the middle school level.

<u>Requirements for secondary level</u>	<u>Semester Hours</u>
Nature and Needs of Gifted and Talented Students	3
Introduction to Curriculum and Instruction for Gifted and Talented Students	3
Advanced Curriculum Practices for Gifted and Talented Students	3
Content-area courses at the graduate level*	9

*For high school teachers, content-area courses at the graduate level must be applicable to curriculum and instruction at the high school level.

Gifted and Talented Endorsement (only)

In order to fulfill Regulation 43-220(II)(C), all teachers of a Gifted and Talented course or class must complete a training program that is approved by the South Carolina Department of Education. Completion of the training specified here fulfills this requirement and provides an endorsement in Gifted and Talented Education:

A professional certificate in the teaching area
AND

<u>Six (6) hours in the following courses</u>	<u>Semester Hours</u>
Nature and Needs of Gifted and Talented Students	3
Introduction to Curriculum and Instruction for Gifted and Talented Students	3

H. HEALTH EDUCATION

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the required content area examination(s) required by the State Board of Education

4. <u>Specialized Preparation</u>	<u>Semester Hours</u>
<u>Required</u>	
Human Anatomy and Physiology (in addition to the 12 semester hours of basic science requirements)	3–4
School Health Program	2–3
Emergency Preparedness and First Aid	2–3

Additional Courses (selected from a minimum of three additional areas for a total of twenty-four semester hours)

Environmental Health	2–3
Foods and Nutrition Education	2–3
Contemporary Health Problems	2–3

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Drug Education and Drug-Taking Behaviors	2–3
Family Living and Sex Education	2–3
Mental Health	2–3
Valuing and Decision Making in Health Education	2–3
Consumer Health Education	2–3
Community and Public Health Practices	2–3
Chronic and Communicable Disease	2–3

I. MATHEMATICS

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. <u>Specialized Preparation</u>	<u>Semester Hours</u>
Algebra (abstract, matrix, and linear)	6
Modern Geometry	3
Analytic Geometry	3
Calculus	3
<u>Three electives from the following subject areas</u>	9
Probability and Statistics	
Applied Mathematics	
Number Theory	
Computer Science	
Analysis	
History of Mathematics	
Algebra or Geometry (advanced courses)	

5. Endorsement in Advanced Placement Mathematics requires the successful completion of the requisite Advanced Placement Institute.

J. MIDDLE-LEVEL EDUCATION

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

Teachers who hold a professional certificate and who have three or more years of experience teaching in middle grades within the past five years on or before July 1, 2009, will be awarded middle-level certification in each subject area in which he or she has three or more years of successful experience according to the guidelines for Middle Grades Teacher Education and Certification, adopted by the State Board of Education.

Prior to October 1, 2007, teachers who meet the experience requirement and are adding middle-level certification will be exempt from the coursework, subject area exams and the pedagogy exam required for add-on certification in specific middle-level areas.

Between October 1, 2007, and July 1, 2009, teachers who meet the experience requirement and are adding middle-level certification must pass the subject area exam(s) and the pedagogy exam required by the State Board of Education in order to add subject-specific middle-level certification.

Teachers who have a teaching certificate but do not meet the three (3) year teaching requirement by July 1, 2009, must complete all coursework and examinations required for add-on certification in middle-level areas.

All teachers who teach in the middle grades must qualify for middle-level certification according to the phase-in plan approved by the State Board of Education.

4. Early Childhood, Elementary, Middle, or Secondary Teachers Adding Middle-level Education

(a) Specialized Preparation	<u>Semester Hours</u>
Middle-level Curriculum and Organization	3
Early Adolescent Growth and Development and Learning Communities	3
Teaching Reading and Writing in the Content Area	3

(b) Content preparation (for secondary teachers adding the same content field at the middle-level)

Semester Hours
No Additional Content
Coursework Required

(c) Content preparation (for early childhood, elementary, or middle-level teachers adding a content field at the middle-level)

Semester Hours
15*

*All coursework must be in the particular middle-level field to be added (language arts, social studies, mathematics, or science), and, in the fields of social studies and science, at least three subject areas must be represented within the content field.

K. MUSIC EDUCATION

1. CHORAL

(a) Bachelor’s degree

(b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

(c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

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(d) Specialized Preparation	<u>Semester Hours</u>
Applied Music (divided equally between piano and voice)*	18 (or three full years)
Theory (harmony, ear training, sight singing)	12
Conducting	4
History and/or Literature of Music**	6
Instruction in choral methods (or two semesters)	3
Participation in ensembles (large or small)	three full years

* A minimum of two half-hour lessons or one one-hour lesson per week for the full nine-month school year is accepted as one full year in any one area of Applied Music.

**The History and/or Literature of Music requirement may substitute for the Music Appreciation requirement in the General Education Program.

(e) Endorsement in Advanced Placement Music requires certification in music and the successful completion of the requisite Advanced Placement Institute.

2. INSTRUMENTAL

(a) Bachelor's degree

(b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level

(c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

(d) Specialized Preparation (band or orchestra)	<u>Semester Hours</u>
Applied music (divided equally among piano, one additional major instrument, and two additional instrument families)*	18 (or three full years)
Theory (harmony, ear training, sight singing)	12
Conducting	4
History and/or Literature of Music**	6
Instruction in wind, string and percussion instruments and in voice (or two semesters)	3
Participation in ensembles (large or small)	three full years

*A minimum of two half-hour lessons or one one-hour lesson per week for the full nine-month school year is accepted as one full year in any one area of Applied Music.

**The History and/or Literature of Music requirement may substitute for the Music Appreciation requirement in the General Education Program.

(e) Endorsement in Advanced Placement Music requires certification in music and the successful completion of the requisite Advanced Placement Institute.

3. PIANO, VOICE, VIOLIN

(a) Bachelor's degree

(b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

(c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

(d) Specialized Preparation (band or orchestra)	<u>Semester Hours</u>
Applied music (piano, voice, violin, organ)*	18
Theory (harmony, ear training, sight singing)	12
Conducting	4
History and/or Literature of Music**	6
Instruction in wind, string and percussion instruments (or two semesters)	3
Participation in ensembles (large or small)	three full years

* A minimum of two half-hour lessons or one one-hour lesson per week for the full nine-month school year is accepted as one full year in any one area of applied music.

**The History and/or Literature of Music requirement may substitute for the Music Appreciation requirement in the General Education Program.

L. PHYSICAL EDUCATION

1. Bachelor’s degree

2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
History, Principles, or Philosophy of Physical Education	3
Organization and Administration, Curriculum, or Evaluation of Physical Education	3
Human Physiology and Anatomy (in addition to the twelve semester hours in basic science requirements)	3
Materials and applied techniques	21

(This area involves multiple courses that require an understanding and mastery of the techniques of the various activities and their presentation and adaptation to the various age levels and groups.)

Required courses

- Games and Rhythms for the Elementary School–Aged Child
- Individual and Dual Sports
- Intramurals and Interscholastic Sports
- Movement Education
- Recreation and Outdoor Education
- Team Sports

Elective courses

- Adapted Physical Education (exceptional or atypical children)

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Aquatics and Water Sports
Stunts, Tumbling, and Gymnastics
Rhythms
Safety, First Aid, and Athletic Injuries
Games and Activities of Low Organization

M. READING

1. READING TEACHER

- (a) Bachelor's degree
- (b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level
- (c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education
- (d) Two years of successful teaching experience

(e) Specialized Preparation

Semester Hours

Fundamentals of Basic Reading Instruction	3
Diagnosis and Correction of Reading Difficulties	3
Practicum in Reading	3
Methods and Materials of Reading Instruction	3

2. READING CONSULTANT

- (a) Bachelor's degree
- (b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level
- (c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education
- (d) Five years of successful teaching experience

(e) Twelve (12) semester hours in courses required for Reading Teacher

(f) Specialized Preparation (graduate credit)

Semester Hours

Organization and Supervision of Reading Programs	3
Testing and Measurements	3
Educational Psychology	3
Reading in the Secondary School	3

3. READING COORDINATOR OR DIRECTOR

- (a) Bachelor's degree

(b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

(c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

(d) Five years of successful teaching experience

(e) Twenty-four (24) semester hours in courses specified for Reading Teacher and Reading Consultant

(f) Specialized Preparation (graduate credit)	<u>Semester Hours</u>
Administration and Supervision	3
Curriculum Development	3
Fundamentals of Guidance	3
Research and Literature in Reading	3

4. READING CLINICIAN

(a) Master’s degree

(b) Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

(c) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

(d) Two years of successful teaching experience

(e) Thirty-six (36) semester hours in courses specified for Reading Teacher, Reading Consultant, and Reading Coordinator or Director

(f) Specialized Preparation (graduate credit)	<u>Semester Hours</u>
Advanced Clinical Testing, including individual intelligence testing	3
Exceptional Child	3
Personality and Abnormal Psychology	3
Psychology of Reading	3
Advanced Course in Remedial Reading	3
Advanced Practicum	3

N. SCIENCE

1. Bachelor’s degree

2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level

3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

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4. Specialized Preparation (for teaching all sciences in high school)* Semester Hours

Biology	6–8
Chemistry	6–8
Physics	6–8
Marine Biology/Science	6–8
Electives in the following subject areas:	6–12
Biology	
Chemistry	
Physics	
Geology	
Geography	
Astronomy	

*At least eighteen (18) semester hours of the thirty (30) semester hours must be in courses with a laboratory.

Certification will be granted in any one of the specific sciences when at least eighteen (18) semester hours of credit are presented. Six or more semester hours must be in laboratory courses.

5. Endorsement in the Advanced Placement sciences requires certification in a science area and the successful completion of the requisite Advanced Placement Institute.

O. SOCIAL SCIENCES

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation (for teaching all social studies in high school) Semester Hours

Social studies	
U.S. History	6
European History	6
Electives from economics, government, geography, and sociology (not more than 6 hours in any one field)	12
Electives from economics, geography, government, history, psychology, sociology, and the history of religion	6
History	
U.S. History	6
European History	6
Electives from history and/or government	6
One social studies field	18

(Certification will be granted in any one of the specific subjects—economics, geography, government, psychology, and sociology—for which eighteen (18) semester hours are presented.)

5. Endorsement in the Advanced Placement social sciences requires certification in a social studies area and the successful completion of the requisite Advanced Placement Institute.

P. THEATER

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Acting	3
Technical Theater (including stagecraft, lighting, Costuming, makeup)	6
Directing	3
Dramatic Literature	6
History of the Theater	3
Creative Drama	3
Theater arts elective	3

*In meeting the above requirements, the applicant with training or experience in the professional theater may offer the following substitutions for the courses listed:

- (a) At least three (3) months full-time or twelve (12) months part-time acting training in a non-degree granting professional acting school (provided that the school employs at least three different teachers) may be substituted for the acting course.
- (b) At least six (6) months of full-time employment in technical theater may be substituted for technical theater courses.
- (c) Experience as director of at least five (5) full-length plays produced for a paying audience may be substituted for the directing course.

Q. WORLD LANGUAGES (including American Sign Language)

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

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4. Specialized Preparation (one world-language field)*	<u>Semester Hours</u>
French	18
German	18
Latin	18
Spanish	18
Russian	18
Japanese	18
American Sign Language ASL coursework (12) ASL electives (9)** (ASL linguistics must be included among electives)	21

*The semester hours required must be above the six-hour introductory course.

**ASL electives may include Deaf Literature and Folklore, Discourse in American Sign Language, Deaf Studies in these United States, Discourse Analysis of ASL, Deaf History, Deaf Culture, Careers in American Sign Language, or other related coursework.

5. Endorsement in an Advanced Placement world language requires certification in the particular world language and the successful completion of the requisite Advanced Placement Institute.

III. EXCEPTIONAL CHILDREN ADD-ON CERTIFICATION

The following areas are included:

- A. Education of Deaf and Hard of Hearing
- B. Emotional Disabilities
- C. Learning Disabilities
- D. Mental Disabilities
- E. Multi-categorical Special Education
- F. Severe Disabilities
- G. Speech Language Therapist
- H. Visual Impairment

A. EDUCATION OF DEAF AND HARD OF HEARING

- 1. Bachelor's degree
- 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level
- 3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Introduction to Exceptional Learners/Special Education	3
Teaching of Reading	3
Methods/Procedures for Teaching Speech Reading	3

Psychology of Hearing Impaired	3
Teaching of Language to Students with Hearing Impairment	3
<u>Two electives from the following courses</u>	6
Educational Assessment	
Anatomy of the Auditory and Speech Mechanism	
History of Education and Guidance for the Hearing Impaired	
Audiology, Hearing Aids, and Auditory Training	
Methods of Teaching Elementary School Subjects	
Principles of Speech Correction	
Physical Education and Recreation for the Exceptional Child	
Nature of Emotional Disabilities	
Nature of Learning Disabilities	
Remedial Reading	
Practicum in Instruction of the Exceptional Child	
Introduction to Rehabilitation and Community Services	
Educational Psychology	

B. EMOTIONAL DISABILITIES

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Introduction to Exceptional Learners/Special Education	3
Characteristics of Emotional Disabilities	3
Methods/Procedures for Emotional Disabilities	3
Behavior Management	3
Teaching Reading in General and Special Education	3
Assessment of Exceptional Learners	3
Practicum in Instruction for Students with Emotional Disabilities*	3

*Practicum may be waived based on two years’ successful experience teaching emotional disabilities

C. LEARNING DISABILITIES

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

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4. Specialized Preparation	<u>Semester Hours</u>
Introduction to Exceptional Learners/Special Education	3
Characteristics of Learning Disabilities	3
Methods/Procedures for Learning Disabilities	3
Behavior Management	3
Teaching Reading in General and Special Education	3
Assessment of Exceptional Learners	3
Practicum in Instruction for Students with Learning Disabilities*	3

*Practicum may be waived based on two years' successful experience teaching learning disabilities.

D. MENTAL DISABILITIES

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Characteristics of Mental Disabilities	3
Methods/Procedures for Mental Disabilities	3
Behavior Management	3
Teaching Reading in General and Special Education	3
Assessment of Exceptional Learners	3
Practicum in Instruction for Students with Mental Disabilities*	3

*Practicum may be waived based on two years' successful experience teaching mental disabilities.

E. MULTI-CATEGORICAL SPECIAL EDUCATION

This area allows teachers to serve learners with mild to moderate disabilities, which include autism, emotional disabilities, learning disabilities, mental disabilities, and traumatic brain injury.

1. Bachelor's degree
2. Initial or professional certificate in either mental disabilities, emotional disabilities, or learning disabilities
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Introduction to Exceptional Learners/Special Education	3
Characteristics of Learning Disabilities	3
Characteristics of Mental Disabilities	3
Characteristics of Emotional Disabilities	3
Methods/Procedures for Learning Disabilities	3
Methods/Procedures for Mental Disabilities	3
Methods/Procedures for Emotional Disabilities	3
Behavior Management	3
Assessment of Exceptional Learners	3
Practicum in Instruction for Students with Emotional Disabilities, and/or, Learning Disabilities, and/or, Mental Disabilities	6

OR

5. If certified in one area (mental disabilities, emotional disabilities, or learning disabilities) coursework is required in each of the two areas other than the teacher’s certification area.

Characteristics	3
Methods in Procedures	3
Practicum*	3

OR

6. If certified in two areas (mental disabilities, emotional disabilities, or learning disabilities) coursework is required in the one remaining certification area.

Characteristics	3
Methods in Procedures	3
Practicum*	3

*Practicum (three semester hours) may be waived based on two years’ successful experience teaching mental, emotional, or learning disabilities, as appropriate.

F. SEVERE DISABILITIES

This area allows teachers to serve learners with moderate to severe cognitive disabilities, which include mental disabilities, multiple disabilities, orthopedic impairment, autism, traumatic brain injury, and other health impairments.

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

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4. Specialized Preparation	<u>Semester Hours</u>
Introduction to Exceptional Learners/Special Education	3
Characteristics of Severe Disabilities	3
Methods/Procedures for Teaching Individuals with Moderate to Severe Disabilities	3
Behavior Management	3
Language/Communication Skills for Exceptional Children	3
Assessment of Exceptional Learners	3
Practicum in Instruction for Students with Severe Disabilities*	3

*Practicum may be waived based on two years' successful experience teaching severe disabilities.

G. SPEECH LANGUAGE THERAPIST

(Included in Regulation 43-64 under Requirements for Certification at the Advanced Level)

H. VISUAL IMPAIRMENT

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Human Growth and Development or the equivalent	3
Teaching of Reading	3
Nature of Visually Impaired	3
Educational Procedures for Visually Impaired	3
Introduction to Exceptional Children	3
Braille – Reading and Writing	3
Orientation and Mobility for the Classroom Teacher	3
Practicum in Instruction of the Visually Impaired Child*	3
Anatomy, Physiology, and Function of the Eye	3

Practicum may be waived based on two years' successful experience teaching visually impaired.

IV. CAREER AND TECHNOLOGY ADD-ON CERTIFICATION

The following areas are included:

- A. Agriculture
- B. Business and Marketing Technology
- C. Computer Programming
- D. Family and Consumer Science
- E. Industrial Technology

A. AGRICULTURE

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
(a) Agriculture	
Plant sciences (including agronomy, horticulture, and/or forest)	15
Animal sciences (including dairy or poultry)	6
Agricultural engineering (mechanization)	6
Agricultural economics	6
Agricultural sciences electives	18
(b) One specific Agricultural Education field	
Agricultural mechanics	18
Animal science	18
Environmental science and natural resources	18
Forestry	18
Horticulture	18
Agriculture sciences electives (required for each of the five required Agricultural Education fields)	6

B. BUSINESS AND MARKETING TECHNOLOGY

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

4. Specialized Preparation	<u>Semester Hours</u>
Accounting	6
Business Communications	3
Business Law	
Computer applications and technology (to include, but not be limited to: word processing, spreadsheets, database management, and Web publishing/multimedia)	9
Economics	3
Entrepreneurship	3
Hospitality, Tourism or Hotel/Motel Management	3
International Business	3
Management	3

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Marketing	3
Instructional Methods for Teaching Business, Marketing, Computer Technology	3

C. COMPUTER PROGRAMMING (for Career and Technology Education programming courses)

1. Bachelor's degree
2. Initial or professional certificate at the secondary level in any subject area.
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education
4. Specialized Preparation Semester Hours

Computer programming (any combination of currently relevant language(s) being used in business)	9
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Note: Programming courses completed at the post secondary level within the past five years may be counted toward this endorsement.

D. FAMILY AND CONSUMER SCIENCE

1. Bachelor's degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education
4. Specialized Preparation Semester Hours

Child Development or Human Growth And Development	3
Computer Technology or Introduction to Computer	3
Consumer Economics and Resource Management	3
Curriculum and Evaluation in Family and Consumer Sciences (FCS) or Instructional Strategies	3
Food Science or Food Composition	3
General Chemistry and Lab or Chemical Sciences and Law	4
Housing: Design and Environment or Residential Technology	3
Human Sexuality	3
Introduction to the Exceptional Child or Introduction to Special Education	3
Marriage and Family Relations or Education for Parenthood	3
Professional Foundations of Family and Consumer Sciences	3

OR

The Professional and the Family Advanced Child Care and Family Relations

One of the following courses 3

Human Nutrition	
Meal Management	
Nutrition and Food	

Quality Food Production

<u>One of the following courses</u>	3
Clothing Design and Construction	
Contemporary Aspects of Clothing	
Creative Apparel Design	
Essentials of Textiles	

E. INDUSTRIAL TECHNOLOGY

1. Bachelor’s degree
2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education
4. Specialized Preparation

	<u>Semester Hours</u>
Transportation	6
Communication	6
Manufacturing	6
Construction	6
Computer Assisted Drafting (CAD)	3
New and emerging areas of technology such as bio-related technology, computer technology, and designing and problem solving	9

V. OTHER TYPES OF SPECIALIZED CERTIFICATION

FINE ARTS

1. Teachers for advanced fine arts programs who do not meet the requirements for certification in any existing area of certification will be issued an initial teaching certification if all of the following requirements are met:

(a) The school district has in operation an advanced program in the fine arts that has been approved by the South Carolina Department of Education.

(b) The school district superintendent requests certification for the prospective teacher in writing, describing the situation in which the teacher will work and the exact nature of the proposed duties of the teacher.

(c) The candidate has earned an undergraduate or graduate degree in fine arts from a nationally or regionally accredited institution of higher education or an institution that has programs approved for teacher education by the State Board of Education in the area of the fine arts that the teacher is to teach.

(d) The candidate presents evidence of at least two years of successful professional experience in the area of the fine arts that he or she is expected to teach.

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(e) The candidate presents an acceptable score(s) on the required teaching content-area examination(s).

2. The initial certificate in Fine Arts will be issued for three years. It can be renewed in accordance with Regulation 43-53.I.A. A total of twelve (12) semester hours of credit, which includes teaching methods and psychology of learning in graduate professional education, will be required for professional certification.

3. In addition to the graduate professional education requirement specified above, the initial certificate will be converted to the professional certificate upon successful completion of induction requirements, ADEPT, and the pedagogy examination required by the State Board of Education.

Fiscal Impact Statement:

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

Statement of Rationale:

The proposed amendments will facilitate the certification of individuals attempting to qualify for middle-level certification and will allow for add-on certification in American Sign Language. A change is also included to remove the requirement of an approved program designed for initial certification for add-on certification purposes and to retain existing course requirements for this purpose. Other formatting changes and minor edits have been made for consistency purposes.

Document No. 3189

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-337. Food Tax Regulation

Synopsis:

The South Carolina Department of Revenue is considering adding SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

Under the proposed regulation, the determination as to whether a sale of unprepared food is exempt from the state sales and use tax is based on whether the food is of a type that is eligible to be purchased with USDA food stamps, the type of location selling the food, and whether the food is being sold for immediate consumption, business or institutional consumption, or home consumption.

In other words, a food must be of a type eligible to be purchased with USDA food stamps and must also be sold for home consumption (based on the type of food and the type of location selling the food) to qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75). For example, bottled soft drinks are eligible to be purchased with USDA food stamps, but if bottled soft drinks are sold at a concession stand at a festival, then the bottled soft drinks are sold for immediate consumption and not home consumption and the sale at the festival would be subject to the full state sales tax rate.

This regulation will explain which sales of food qualify or do not qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75). This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

Instructions:

Add SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.”

Text:

117-337. Sales of Unprepared Food

Effective November 1, 2007, Code Section 12-36-2120(75) exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

The determination as to whether a sale of unprepared food is exempt from the state sales and use tax is based on whether the food is of a type that is eligible to be purchased with USDA food stamps, the type of location selling the food, and whether the food is being sold for immediate consumption, business or institutional consumption, or home consumption.

In other words, a food must be of a type eligible to be purchased with USDA food stamps and must also be sold for home consumption (based on the type of food and the type of location selling the food) to qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75). For example, bottled soft drinks are eligible to be purchased with USDA food stamps, but if bottled soft drinks are sold at a concession stand at a festival, then the bottled soft drinks are sold for immediate consumption and not home consumption and the sale at the festival would be subject to the full state sales tax rate.

This regulation will explain which sales of food qualify or do not qualify for the exemption under Code Section 12-36-2120(75).

117-337.1. “Eligible Food” Defined

For purposes of this regulation, the term “eligible food” is food eligible for the exemption under Code Section 12-36-2120(75) that will be defined to include and exclude the following:

(A) Foods eligible for the exemption under Code Section 12-36-2120(75) include:

- (1) Any food intended to be eaten at home by people, including snacks, beverages and seasonings;
- (2) Seeds and plants intended to grow food (not birdseed or seeds to grow flowers); and
- (3) Cold items, which may include salads or sandwiches, intended to be eaten at home by people and that are not considered “prepared meals or food” as discussed below.

(B) Food and other items which are not eligible for the exemption under Code Section 12-36-2120(75) and are, therefore, subject to the full state sales and use tax rate (unless otherwise exempt) include:

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- (1) Alcoholic beverages, such as beer, wine, or liquor;
- (2) Hot beverages ready-to-drink such as coffee;
- (3) Tobacco;
- (4) Hot foods ready to eat;
- (5) Foods designed to be heated in the store;
- (6) Hot and cold food to be eaten at a lunch counter, in a dining area or anywhere else in the store or in a nearby area such as a mall food court;
- (7) Vitamins and medicines;
- (8) Pet food;
- (9) Any non-food items such as tissue, soap or other household goods;
- (10) Meals or food shipped or delivered to businesses or institutions (hospitals, prisons, jails, nursing homes, etc.); and
- (11) Prepared meals or food as defined in Regulation 117-337.2.

117-337.2. "Prepared Meals or Food" Defined

(A) "Prepared meals or food" is food for immediate consumption (based on the type of food and the type of location selling the food) and is not eligible for the exemption under Code Section 12-36-2120(75), but is subject to the full state sales and use tax rate.

"Prepared meals or food" are meals or food sold by a business, or from an identifiable location within a business, which advertises, holds itself out to the public (e.g., offers hot food or the ability to heat food, provides seating, or provides utensils with the meal or food), or is perceived by the public as being engaged in the sale of ready-to-eat food or beverages to customers for their immediate consumption on or off the premises. Such a business, or identifiable location within a business, may be mobile or immobile and may or may not provide seating accommodations for its customers. For example, "prepared meals or food" includes, but is not limited to (a) meals or food sold by a restaurant, cafeteria, lunch wagon or cart, lunch counter, cafeteria, ice cream stand, tavern, night club, or other similar places or businesses engaged in the business of selling prepared meals or food for immediate consumption, (b) meals prepared and delivered by a meal delivery service; (c) meals sold to or at congregate meal sites; (d) meals or food sold at a grocery store, convenience store or any other similar store for the purpose of eating at or near the store, such as meals or food sold with eating utensils (e.g., plates, knives, forks, spoons, cups, napkins) provided by the seller, (e) meals or food sold at hotels, motels, or other places furnishing accommodations; (f) meals or food sold at newsstands, gift shops, and snacks bars located in offices or other public or commercial buildings; (g) meals or food sold at movies theaters, opera houses, fairs, carnivals, stadiums, auditoriums, amphitheaters, or similar entertainment or sports facilities; and (h) food sold through vending machines.

(B) Exception: If a store, or an identifiable location within a store, advertises, holds itself out to the public (e.g., offers hot food or the ability to heat food, provides seating, or provides utensils with the meal or food), or is perceived by the public as being engaged in the sale of ready-to-eat food or beverages to customers for their immediate consumption on or off the premises and also sells food that is prepared for home consumption, sold for home consumption, and is not the type of food intended for immediate consumption, then such "home consumption" food is not considered "prepared meals or food" and would be "eligible food" exempt from the

state sales and use tax under Code Section 12-36-2120(75), provided it is not one of the foods listed above in Regulation 117-337.1(B) – Items (1) through (10).

The following are examples of this exception:

(A) A grocery store has a deli/bakery that provides tables, chairs, benches, booths, counters or an area where customers may consume food in or near the store. In addition to other items, this deli/bakery area sells loaves of baked bread (the bread it is not hot at the time of sale).

The sales at retail of the loaves of bread are exempt from the state sales and use tax under Code Section 12-36-2120(75), provided the sale is not for a party or gathering held at the store or delivered to a location other than a private residence.

(B) A coffee shop sells individual slices of cake to be eaten with the coffee and other drinks sold at the shop. The shop also sells entire sheet cakes.

The sale at retail of the sheet cake is exempt from the state sales and use tax under Code Section 12-36-2120(75), provided the sale is not for a party or gathering held at the shop or delivered to a location other than a private residence.

(C) Some sales of meals or food may be exempt from the sales and use tax under other exemption provisions. For example, Code Section 12-36-2120(10) provides exemptions from the sales and use tax for (1) meals or foodstuff used in furnishing meals to school children within school buildings on a nonprofit basis; (2) meals or foodstuff provided to elderly or disabled persons at home by certain nonprofit organizations; (3) prepared or packaged foodstuff sold to nonprofit organizations for the homeless and needy; or (4) meals or prepared or packaged foodstuff sold to public and nonprofit organizations for congregate or in-home service to the homeless, needy, disabled adults over eighteen years of age or persons over sixty years of age (provided the meals or packaged foodstuffs in this item (4) are eligible for purchase with USDA food coupons). Code Section 12-36-2120(41) exempts from the sales and use tax tangible personal property, including meals or food, sold by certain nonprofit organizations.

117-337.3. General Rules

(A) Sales of “Eligible Food” by Grocery, Convenience and Similar Stores Authorized to Accept Food Stamps:

Sales of “eligible food” by a grocery, convenience or similar store authorized to accept food stamps shall be deemed to be for home consumption and exempt from the state sales and use tax under Code Section 12-36-2120(75).

However, if the store has an identifiable location which advertises, holds itself out to the public (e.g., offers hot food or the ability to heat food, provides seating, or provides utensils with the meal or food), or is perceived by the public as being engaged in the sale of ready-to-eat food or beverages to customers for their immediate consumption on or off the premises, then all sales of food from that identifiable location shall be deemed to be for immediate consumption and subject to the sales tax at the full state rate, unless the sale falls within the exception noted above in Regulation 117-337.2. For example, if a neighborhood grocery store also has a lunch counter, then sales from that lunch counter are for immediate consumption and subject to the tax at the full sales tax rate. If the lunch counter also sold entire sheet cakes, then the sale at retail of a sheet cake would be exempt from the state sales and use tax under Code Section 12-36-2120(75) provided the sale is not for a party or gathering held at the store or delivered by the store to a business or institution.

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(B) Sales of “Eligible Food” by Grocery and Other Stores Not Authorized to Accept Food Stamps:

Sales of “eligible food” by a grocery, convenience or similar store not authorized to accept food stamps but which is engaged in the retail sale of all sorts of canned foods and dry goods (e.g., tea, coffee, spices, sugar, and flour), and may also be engaged in the retail sale of fresh fruits and vegetables and fresh and prepared meats, fish, and poultry, shall be deemed to be for home consumption and exempt from the state sales and use tax under Code Section 12-36-2120(75).

However, if the store has an identifiable location which advertises, holds itself out to the public (e.g., offers hot food or the ability to heat food, provides seating, or provides utensils with the meal or food), or is perceived by the public as being engaged in the sale of ready-to-eat food or beverages to customers for their immediate consumption on or off the premises, then all sales of food from that identifiable location shall be deemed to be for immediate consumption and subject to the sales tax at the full state rate unless the sale falls within the exception noted above in Regulation 117-337.2. For example, if a convenience store has an area where a customer can get a hot dog or sandwiches that are intended for immediate consumption (including ones intended to be heated in a microwave), then the sale of the hot dogs and sandwiches are for immediate consumption and subject to the full state rate. Any chips or drinks (whether fountain drinks or bottled drinks) sold with that hot dog or sandwich at the lunch counter are also for immediate consumption and subject to the full state rate.

(C) Sales of “Eligible Foods” to or by Vending Machine Operators for Sale through Vending Machines:

Sales of “eligible food” to or by vending machine operators for sale through vending machines are for immediate consumption and subject to the sales tax at the full state rate.

(D) Sales of “Eligible Food” to Institutions:

Sales of “eligible food” to the SC Department of Corrections, city or county jails, hospitals, nursing homes, and colleges for use in providing meals to the prisoners, patients, or students are sales to institutions who, under the sales and use tax law, are the users or consumers of such food in carrying out their primary functions of incarcerating convicts, providing medical care or providing an education. As such, sales of such food are not for home consumption and are subject to the sales tax at the full state rate.

(E) Sales of “Eligible Food” Prepackaged with a Non-Eligible Item

Sales of “eligible food” that is prepackaged with a non-eligible item, or sales in which a single price is established for a combination of an “eligible food” and a non-eligible item, are subject to the tax at the full state rate.

For example, if a grocery store advertises and sells a basket containing fruit and a bottle of wine, the exemption under Code Section 12-36-2120(75) is not applicable. The full state rate applies.

(F) “Eligible Food” Purchased with Food Stamps:

“Eligible food” purchased with food stamps from a retailer authorized by the United States Department of Agriculture to accept food stamps are exempt from the sales and use tax.

117-337.4. Examples

The following examples are provided to assist in understanding the above provisions of this regulation:

(a) Sales at retail of food delivered to offices and businesses are subject to tax at the full state rate.

(b) Sales at retail of food delivered to day care centers and similar facilities are subject to tax at the full state rate.

(c) Sales at retail of bottled water delivered to an individual's home are exempt from the state sales and use tax under Code Section 12-36-2120(75). However, the lease of a water cooler unit to a residential customer is subject to the full state rate.

Sales at retail of bottled water delivered to a commercial enterprise are subject to the tax at the full state rate. The lease of a water cooler unit to a commercial enterprise is also subject to the full state rate.

(d) Sales at retail of ground coffee, creamer, sugar, tea bags and other "coffee service" products delivered to a commercial enterprise are subject to the tax at the full state rate.

(e) Sales at retail of drinks, coffee supplies, and snacks by an office supply store are exempt from the state sales and use tax under Code Section 12-36-2120(75), unless shipped or delivered to a location other than a private residence. Shipments or deliveries to a location other than a private residence are subject to the full state rate.

(f) Sales at retail by a coffee shop of packaged cold sandwiches, salads, and containers of cut fruit, cookies, muffins, donuts, slices of nut bread, cupcakes, brownies, whole fruit, or similar food products sold individually are subject to the tax at the full state rate.

However, sales at retail of these same food products by the loaf or tray are subject exempt from the state sales and use tax under Code Section 12-36-2120(75) unless such loaf or tray is sold for a party or gathering held at or near the coffee shop or is delivered to a location other than a private residence. Sales at retail of these products by the loaf or tray for a party or gathering held at or near the coffee shop or that are delivered a location other than a private residence are subject to the tax at the full state rate.

(g) Sales at retail at a location that contains both a restaurant and a convenience or similar store under one roof are taxed at the full state rate for sales from the restaurant portion of the business and are exempt from the state sales and use tax under Code Section 12-36-2120(75) for sales from the convenience or similar store portion of the business, unless an exception discussed previously in this regulation applies. For more detailed information, see the above sections of this regulation concerning restaurants and convenience or similar stores.

(h) Sales at retail of loaves of bread baked in and sold at a bakery in a grocery store are exempt from the state sales and use tax under Code Section 12-36-2120(75), provided the loaf of bread sold is not "hot food."

117-337.5. Local Taxes

The exemption in Code Section 12-36-2120(75) for "unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons" does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

This regulation is not applicable to any local tax administered and collected by a local jurisdiction.

117-337.6. Records

The seller of "eligible food" exempt from the state sales and use tax under Code Section 12-36-2120(75) shall maintain sufficient documentation to substantiate that a sale qualifies for the exemption from the state sales and use tax, using any method of recording that properly reflects all purchases and sales of such items.

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Fiscal Impact Statement:

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

Statement of Rationale:

The purpose of this proposal is to add SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” The proposal to add SC Regulation 117-337 is needed to ensure taxpayers understand the application of the tax to the sale of food, whether prepared food taxed at the 6% rate or unprepared food exempt from the state sales and use tax under Code Section 12-36-2120(75). The proposal to add SC Regulation 117-337 is also reasonable in that it is consistent with the department’s prior position on the issue as sales of the same unprepared food were subject to a reduced sales and use tax rate of 3% from October 1, 2006 through October 31, 2007.