

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.

2014 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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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: <http://www.scstatehouse.gov/regsrch.php>

DOC. No.	RAT. No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4317			Unemployment Insurance	1/16/14	Department of Employment and Workforce
4334			Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	2/03/14	Board of Architectural Examiners
4335			Administrative Citations and Penalties	2/03/14	Board of Cosmetology
4337			Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	2/04/14	Board of Cosmetology
4313			Child Support Guidelines	2/15/14	Department of Social Services
4329			Cheese & Butter	2/18/14	Department of Agriculture
4342			Nurse Licensure Compact	3/04/14	Board of Nursing
4378			Office of State Fire Marshal	4/05/14	LLR-Office of State Fire Marshal
4379			Requirements of Licensure in Real Estate Appraisal	4/05/14	Real Estate Appraisers Board
4345			Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	4/07/14	South Carolina Criminal Justice Academy
4372			Certification	4/07/14	South Carolina Criminal Justice Academy
4374			Application for Issuance or Re-issuance of Certification	4/07/14	South Carolina Criminal Justice Academy
4368			Authority of Director	4/07/14	South Carolina Criminal Justice Academy
4370			Requirement of Good Character (E-911 Operators)	4/07/14	South Carolina Criminal Justice Academy
4376			Assignment of Costs for Agency Level Contested Case Hearings	4/07/14	South Carolina Criminal Justice Academy
4369			Allow E-911 Operators One Year to Attend Training at the Academy	4/07/14	South Carolina Criminal Justice Academy
4344			Adjudication of Misconduct Allegations (Contested Case Hearing Process)	4/07/14	South Carolina Criminal Justice Academy
4347			Law Enforcement Officer and E-911 Officer Training & Certification	4/07/14	South Carolina Criminal Justice Academy
4284			Limited Herbicide Applicators License	4/08/14	Clemson University-State Crop Pest Comm.
4316			Employer-Employee Relationship	5/14/14	Department of Employment and Workforce
4389			Requirements of Licensure in the Field of Speech-Language Pathology and Audiology	5/14/14	Board of Examiners in Speech-Language Pathology and Audiology
4411			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/14/14	Department of Natural Resources
4399			Lump Sum Payment	5/14/14	Workers' Compensation Commission
4407			South Carolina Virtual School Program	5/14/14	State Board of Education
4403			Displaying the Flag	5/14/14	State Board of Education
4409			Teacher Grants	5/14/14	State Board of Education
4392			Interscholastic Activities	5/14/14	State Board of Education
4401			Accreditation Standards Filed	5/14/14	State Board of Education
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4406			Requirements for Certification at the Advanced Level	5/14/14	State Board of Education
4404			Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	5/14/14	State Board of Education
4405			Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education	5/14/14	State Board of Education
4397			School Admission	5/14/14	State Board of Education
4400			Accreditation Criteria	5/14/14	State Board of Education
4391			School Superintendent Compensation and Benefits/Expenses	5/14/14	State Board of Education

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4317	Unemployment Insurance	Labor, Commerce and Industry	Labor, Commerce and Industry
4334	Officers, Meetings, Applications and Fees, Renewals, and Continuing Education	Labor Commerce and Industry	Labor, Commerce and Industry
4335	Administrative Citations and Penalties	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4337	Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)	Medical, Military, Pub & Mun Affairs	Labor, Commerce and Industry
4313	Child Support Guidelines	Judiciary	Judiciary
4329	Cheese & Butter	Agriculture and Natural Resources	Agriculture and Natural Resources
4342	Nurse Licensure Compact	Medical, Military, Pub & Mun Affairs	Medical Affairs
4378	Office of State Fire Marshal	Labor, Commerce and Industry	Labor, Commerce and Industry
4379	Requirements of Licensure in Real Estate Appraisal	Labor, Commerce and Industry	Labor, Commerce and Industry
4345	Adjudication of Misconduct Allegations (Reporting of Misconduct by Law Enforcement Officers)	Judiciary	Judiciary
4372	Certification	Judiciary	Judiciary
4374	Application for Issuance or Re-issuance of Certification	Judiciary	Judiciary
4368	Authority of Director	Judiciary	Judiciary
4370	Requirement of Good Character (E-911 Operators)	Judiciary	Judiciary
4376	Assignment of Costs for Agency Level Contested Case Hearings	Judiciary	Judiciary
4369	Allow E-911 Operators One Year to Attend Training at the Academy	Judiciary	Judiciary
4344	Adjudication of Misconduct Allegations (Contested Case Hearing Process)	Judiciary	Judiciary
4347	Law Enforcement Officer and E-911 Officer Training & Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources
4316	Employer-Employee Relationship		
4389	Requirements of Licensure in the Field of Speech-Language Pathology and Audiology		
4411	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas		
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4404	Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts		
4405	Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education		
4397	School Admission		
4400	Accreditation Criteria		
4391	School Superintendent Compensation and Benefits/Expenses		

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File #402400
Alloyd Company Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION,
AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Tegrant Alloyd Brands, Inc. (Tegrant). The VCC provides that the Tegrant, with DHEC's oversight, will continue to fund and perform future response actions at the Alloyd Company facility located in Spartanburg County at 201 West Lanford Street, Spartanburg, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Tegrant funding and: conducting a focused feasibility study to evaluate alternatives to address offsite groundwater contamination; preparing an effectiveness evaluation of the onsite corrective action plan addressing the ISCO treatment performed; evaluating any recommendations for monitoring parameters; and, conducting monitoring events twice a year. Further, if DHEC determines a remedial action is necessary, the Tegrant shall submit a remedial design/remedial action work plan and implement the remedy. Moreover, the Tegrant will reimburse DHEC's past costs of response of \$8,899.70 and the DHEC's future oversight costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:

- (1) On-line at www.scdhec.gov/environment/lwm/publicnotice.htm; or
- (2) By contacting Pat Vincent at 803-898-0840 or vincenpl@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than January 27, 2014, and addressed to: Pat Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Tegrant will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Tegrant shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the VCC including the approved work plans and reports. Contribution protection is contingent upon the DHEC's determination that the Tegrant has successfully and completely complied with the VCC.

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

December 27, 2013

Correction of Notice Published in the S.C. State Register on July 26, 2013 Regarding the Permit Extension Joint Resolution of 2013 (H. 3774)

This Notice corrects and supersedes the Notice and Synopsis previously published on July 26, 2013, regarding H.3774.

NOTICE:

Section 4 of the “Permit Extension Joint Resolution of 2013,” H.3774, provides: This joint resolution is intended to apply retroactively. For development approval that is current and valid on December 31, 2012, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2013, and ending December 31, 2016.

Section 6 of the “Permit Extension Joint Resolution of 2013,” H.3774, requires that the Department of Health and Environmental Control (“DHEC”) list the types of development approvals that are provided for in that joint resolution.

Corrected Synopsis:

For specified development approvals that were current and valid on December 31, 2012, the Permit Extension Joint Resolution of 2013, ratified by the South Carolina General Assembly on June 19, 2013, and approved by the Governor on June 20, 2013, suspended the running of the period of the development approval beginning January 1, 2013, and ending December 31, 2016. Therefore, for permits listed below, that were issued prior to January 1, 2013, the running of the time period is suspended during the four-year period, and any time that remained on a listed permit on January 1, 2013, starts running again on January 1, 2017. The Permit Extension Joint Resolution of 2013 does not suspend the running of the period of the development approval and any associated vested right for such a development approval that is issued or otherwise becomes valid after December 31, 2012.

If there are any questions concerning this notice, please contact Ms. Shelly Wilson via electronic mail at shelly.wilson@dhec.sc.gov or by phone at 803.898.3138. A copy of the Joint Resolution (H.3774) can be found electronically at http://www.scstatehouse.gov/sess120_2013-2014/bills/3774.htm.

The listed permit types remain unchanged.

Permit Regulation	Permit Type/Description
Solid Waste Management	
R.61-107.19	Class 1 Landfill, land clearing debris
R.61-107.19	Class 2 Landfill, construction and demolition debris
R.61-107.19	Class 3 Landfill, municipal solid waste
R.61-107.3	Waste Tire Facility (collection, processing, disposal)
R.61-107.279	Used Oil Facility (collection, processing, marketing, burning)
R.61-107.15	Land Application
R.61-107.6	Solid Waste Transfer Station
R.61-107.10	Research, Development, & Demonstration

Permit Regulation	Permit Type/Description
R.61-107.6	Solid Waste Processing Facility
R.61-107.18	Off-Site Treatment of Contaminated Soils
R.61-107.19	Structural Fill
R.61-107.11	Composting/Woodgrinding Facility
R.61-107.12	Incinerator/Pyrolysis Facility
R.61-79	Hazardous Waste Permits
R.61-63	Radioactive Waste Licenses
Mining	
R.89-10 through 89-350	Individual Mine Permit (>5 acres)
R.89-10 through 89-350	General Mine Permit (<5 acres)
Air Quality	
R.61-62.1.II.A	Construction Permits Exceptions This extension does not apply to the following: 1-Construction permits issued under R. 61-62.5 Standard No. 7 Prevention of Significant Deterioration (PSD); 2- Construction permits issued under R. 61-62.43 Case by Case Maximum Achievable Control Technology (MACT) Determinations for Constructed and Reconstructed Major Sources; 3- Facilities with non-PSD construction permits that have not begun construction prior to July 01, 2011 and whose potential project emissions, without enforceable permit limitations, trigger PSD for Greenhouse Gases; 4- Construction permits issued to sources that were not subject to New Source Performance Standards (NSPS) (40CFR60) or MACT (40CFR63) at the time of permit issuance, but NSPS or MACT was triggered afterwards due to date of “commence construction” as defined in the rules.
R.61-62.1.II. D	General Construction Permits
R.61-62.1.II. E.	Synthetic Minor Construction Permits
R.61-62.1.II. I.	Registration Permits
Water	
R.61-58	Drinking Water Construction Permits
R.61-67	Wastewater Construction Permits
R.61-56	Permit to Construct and Operate: Onsite Wastewater System (Septic Tank Permits)
R.61-51	Recreational Waters Construction Permits
R.61-9	NPDES General Permit For Stormwater Discharges From Large and Small Construction Activities (General permit coverage: SCR100000) Note: New standards imposed by federal regulations and the federal NPDES construction general permit for stormwater discharges must still be met by project operators as they become effective.
R.61-43	Construction of Agricultural Animal Facilities
R.61-101	401 Water Quality Certifications
R.19-450	Permits for Construction in Navigable Waters

6 NOTICES

Permit Regulation	Permit Type/Description
R.61-87	Underground Injection Control Permit to Construct
R.61-113	Groundwater Withdrawal Permit to Construct
R.72-3	Permit to Construct, Repair, Alter or Remove a Dam
R.72-300	State Stormwater Construction Permits
Ocean & Coastal Resource Management (OCRM)	
R.30	Direct Critical Area Permits, including individual and general permits.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

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

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than January 27, 2014 to:

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

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Swift Creek Environmental, Inc.
Attn: B. Thomas Houghton
8201 County Drive
Disputanta, VA 23842

BOARD OF BARBER EXAMINERS

CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-70, 40-7-60 and 40-7-230

Notice of Drafting:

The South Carolina Board of Barber Examiners proposes to amend its regulations regarding secondary and post-secondary education in conformance with its practice act. Interested persons may submit comments to Tracey McCarley, Administrator, Board of Barber Examiners, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Barber Examiners proposes to amend its regulations regarding secondary and post-secondary education. Legislative review of this amendment is required.

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Notice of Drafting:

The South Carolina Board of Chiropractic Examiners proposes to amend Regulation 25-5 to add a therapeutic modality in conformance with S.C. Code Ann. §40-9-30(D)(3). Interested persons may submit comments to Veronica Reynolds, Administrator, State Board of Chiropractic Examiners, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Chiropractic Examiners proposes to amend Regulation 25-5. Legislative review of this amendment is required.

CLEMSON UNIVERSITY

STATE CROP PEST COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Section 46-26-30

Notice of Drafting:

The South Carolina State Crop Pest Commission is considering the implementation of new regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 26, the application, standards and sale of Land Plaster for agricultural purposes.

Interested parties should submit written comments to Dr. Stephen E. Cole, Interim Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than January 31, 2014, the close of the drafting comment period.

8 DRAFTING NOTICES

Synopsis:

The proposed amendments will clarify and provide standards related to the quality of land plaster, as well as the inspection and registration of commercially sold land plaster used for agricultural purposes.

These proposed regulations will require legislative action.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (Department) proposes to make general revisions to Regulation 61-30, Environmental Protection Fees, to comply with federal law. Interested persons are invited to present their views in writing to Robert J. Brown at Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or via electronic mail at brownrj@dhec.sc.gov. To be considered, written comments must be received by January 27, 2014, the close of the drafting comment period.

Synopsis:

This amendment concerns fees for the Title V Program established by the Clean Air Act, 42 U.S.C.A. 7401 et seq. To comply with federal law, the Department proposes to amend Regulation 61-30(G)(3), Schedule of Air Quality Fees. 40 C.F.R. Section 70.9(b)(1), provides "...[t]he State program shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs." The Department may also propose other changes to Regulation 61-30 that may include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of the regulation as necessary.

BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

Notice of Drafting:

The South Carolina Board of Long Term Health Care Administrators proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Lee Ann Bundrick, Administrator, State Board of Long Term Health Care Administrators, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend its regulations. Legislative review of this amendment is required.

Document No. 4444
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-9. Water Pollution Control Permits

Preamble:

The Department proposes to amend R.61-9 to strengthen and improve the existing regulation and make appropriate revisions to address land application of sludge with PCB contamination. To address PCB contamination in sludge, which occurred in 2013, the Department issued an emergency regulation (September 25, 2013) and this proposed regulation follows. Amendments are from sections 503 (domestic sludge) and 504 (industrial sludge) of R.61-9.

A Notice of Drafting was published in the *State Register* on October 25, 2013. The Notice of Drafting was also published on the Department’s Regulatory Page in its DHEC Regulation Development Update. Comments were received and used in the drafting of the proposed regulation.

Discussion of Proposed Revisions

Regulation sections 503 and 504 are similar, so changes are proposed to both sections.

R.61-9.503.3 – Amendment to address that new Appendix C will be self-implementing (directly enforceable) without needing to be implemented via a permit.

R.61-9.503.Appendix C – New appendix addressing PCB prohibition and monitoring.

R.61-9.504.3 – Amendment to address that new Appendix C will be self-implementing (directly enforceable) without needing to be implemented via a permit.

R.61-9.504.Appendix C – New appendix addressing PCB prohibition and monitoring.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on January 16, 2014, at 10:00 a.m. in Room 4011, on the fourth floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is summarize the proposed regulation changes, and receive comments from interested persons.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Jeff deBessonnet at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by email at Jeff.Debessonnet@dhec.sc.gov; or fax at (803) 898-4215. To be considered, comments must be received no later than 5:00 p.m. on January 27, 2014, the close of the comment period.

Comments received at the forum and/or submitted in writing by the close of the comment period on January 27, 2014, shall be considered by staff in formulating the final proposed regulations for public hearing on February 13, 2014, as noticed below. Comments received will be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control’s consideration at the public hearing.

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Copies of the proposed amendments for public comment as published in the *State Register* on December 27, 2013, may be obtained in the Department's Regulation Development Update on the Department's Regulatory Internet site under the Water category at: <http://www.dhec.sc.gov/administration/regs/reg-update.htm>. In the Update, click on the Water category and scan down to this proposed amendment. A copy can also be obtained by contacting Jeff deBessonnet, DHEC/Water, at the above address or by calling (803) 898-4157, or by email at Jeff.Debessonnet@dhec.sc.gov.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments to R.61-9, *Water Pollution Control Permits* at a public hearing to be conducted by the Board of the Department of Health and Environmental Control at its regularly scheduled meeting on February 13, 2014, at 10:00 a.m. The public hearing will be held in room 3420 (Board Room), Third Floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. Notice of cancellation or any change in meeting times will be noticed in the Board meeting agenda at least 24 hours in advance of the meeting. The Board agenda is published by the Department of Health and Environmental Control at the following address: <http://www.scdhec.gov/administration/board.htm>. Information on the public hearing can be obtained by calling the Clerk of the Board at (803) 898-3350. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005).

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-9, *Water Pollution Control Permits*.

Purpose: Proposed amendment of R.61-9 will clarify, strengthen, and improve the overall quality of the existing regulation to regulate land application of sludge relative to PCBs.

Legal Authority: S.C. 1976 Code Sections 48-1-10 et seq.

Plan for Implementation: The proposed amendments would be incorporated within R.61-9 upon approval of the General Assembly and publication in the *State Register*. The proposed amendments will be implemented in the same manner in which the present regulation is implemented.

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

The amendment to R.61-9 is important to properly regulate PCBs in sludge. The proposed amendments to R.61-9 include the following: A prohibition of land application of sludge where PCBs can be analytically quantified and a requirement to monitor PCBs in sludge quarterly. Sections 61-9.503 and 504 address domestic sludge and industrial sludge respectively. Both sections are amended in similar fashion.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment to R.61-9, the Department identified that a significant portion of sludge generated in South Carolina is landfilled. In the situation where PCB levels prohibited land application, landfilling remains a viable option. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that typically PCBs are not found in sludge. The circumstances that led to the emergency regulation issued on September 25, 2013 were likely because of illegal dumping of PCB wastes into municipal sewer systems. Because these illegal activities don't occur often, the impact is not expected to be significant. However, in the event that they occur in the future, the regulation needs to be amended to protect public health and the environment from the discharge of PCBs onto the land (e.g., private farm land).

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-9 will promote and protect the environment and human health by the regulation of pollutants onto land in South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to regulate PCB contaminated sludge would result in PCB contaminated soils on farm land (or other areas) where sludge is applied. This may result in the need for site remediation.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h) (2005).

The federal Toxic Substances Control Act (TSCA) regulates PCB levels in sludge at levels equal to or greater than 50 parts per million (ppm). Because PCBs were banned in the United States over thirty years ago, typically PCBs are not expected to be found in wastewater systems. Therefore, there are currently no federal or state regulations to limit the land application of sludge below 50 ppm. However, because PCBs were found in sludge in South Carolina in 2013, leading to the issuance of an emergency regulation, the Department believes it is warranted to have a regulation to address PCB contamination in the event that such contamination occurs in the future.

Text:

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

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Document No. 4445

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

Statutory Authority: 1976 Code Sections 23-9-40, 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Article 8. Office of State Fire Marshal.

Preamble:

Regulations 71-8300.1 through 71-8305.8 are amended and Regulations 71-8306.1 through Regulations 71-8312 are repealed in conformance with NFPA codes and standards. New Regulations 71-8306.1 through 71-8306.5 are added for the permitting of hydrogen facilities.

Section-by-Section Discussion:

71-8300.1. General.

- A. No changes.
- B. Adds numerals to subdivide text.
 - 1.a. Adds “explosion” and “dangerous conditions” to series; rewords for clarity.
 - b. Adds “to provide safety to fire fighters and emergency responders during emergency situations.”
- C.1. Adds new item to series regarding regulatory applicability; renumbers subsequent items.
 - 2. and 3. No textual changes.
 - 4. Amends citation reference; deletes last sentence since it is now in item 1.
 - 5.a. Adds “unless amended by these or other state regulations” to the first exemption from applicability.Adds sentence regarding the conversion of such buildings and change of use compliance with the provisions of the International Building Code (IBC).
 - b. Deletes in its entirety.
- D. 1. No changes.
 - 2. Adds “or premise” after “building” and “structure”; deletes requirement for compliance with codes for new construction when certain conditions occur; deletes a. through c.
 - 3. Deletes in its entirety.
 - 4. Deletes in its entirety.
 - 5. Renumbers as new 3.; rewords for clarity.
 - 6. Deletes in its entirety.
- E. Deletes in its entirety.
- F. Deletes in its entirety.
- G. Deletes in its entirety.
- H. Renumbers as E; adds “Acronyms and” before “Definitions”; adds definitions from other sections to keep definitions in one central place; renumbers existing definitions.
 - 1. Amends statute reference and updates language.
 - 2. Deletes in its entirety; adds new definition of ATF (Alcohol, Tobacco, Firearms and Explosives).
 - 3. Adds new definition of bulk hydrogen compressed gas system.
 - 4. Adds new definition of bulk liquefied hydrogen gas system.
 - 5. Adds new definition of citation.
 - 6. Adds new definition of consumer fireworks.
 - 7. Adds new definition of container; deletes former 7. (IEBC) in its entirety.
 - 8. Adds new definition of day box.
 - 9. Renumbers former 3.; no textual changes; deletes former 9. (IMC) in its entirety.
 - 10. Adds new definition of display fireworks; deletes former 10. (NEC) in its entirety.
 - 11. Adds new definition of engineered hydrogen systems.
 - 12. Renumbers former 4.; no textual changes; deletes former 12. (NFPA 101) in its entirety.

13. Renumbers former 5.; no textual changes.
14. Adds new definition of fireworks.
15. Adds new definition of firm.
16. Adds new definition of fixed extinguishing system.
17. Adds new definition of hydrogen.
18. Adds new definition of hydrogen facility.
19. Adds new definition of hydrogen generation system.
20. Renumbers former 6.; no textual changes.
21. Adds new definition of the International Code Council (ICC).
22. Renumbers former 8.; no textual changes.
23. Adds new definition of the International Fuel Gas Code (IFGC).
24. Adds new definition of LP-Gas.
25. Adds new definition of motion picture.
26. Adds new definition of Material Safety Data Sheet(s) (MSDS).
27. Renumbers former 11.; no textual changes.
28. Adds new definition of OSFM (Office of State Fire Marshal).
29. Adds new definition of person.
30. Adds new definition of portable fire extinguisher.
31. Adds new definition of pre-engineered hydrogen system.
32. Adds new definition of proximate audience.
33. Adds new definition of public firework display.
34. Adds new definition of pyrotechnics.
35. Adds new definition of S.C.
36. Adds new definition of servicing.
37. Renumbers former 13.; corrects typographical error.
38. Adds new definition of theatrical pyrotechnics.
39. Adds new definition of USDOT.

71-8300.2. Codes and Standards.

- A. Deletes first sentence; rewords second sentence and deletes IBC.
- B. Deletes in its entirety.
- C. Renumbers as B.; deletes reference to outdated edition of IFC; adds Title 6 Chapter 9 (Building Codes Council Practice Act); and adds “and premises” for consistency; adds applicable sections of IFC Chapter 1.
- D. Deletes in its entirety.
- E. Renumbers as C.; deletes reference to outdated edition of NFPA and adds title of NFPA 10; rewords with reference to adopted ICC codes.
- F. Renumbers as D.; deletes minimum standards language and replaces with reference to adopted ICC codes.
 - 1.-8. Deletes outdated code editions and adds titles of NFPA standards referenced.
- G. Renumbers as E.; deletes minimum standards language and replaces with reference to adopted ICC codes.
 - 1.-12. Deletes outdated code editions and adds titles of NFPA standards referenced.
- H. Renumbers as F.; deletes reference to outdated edition of NFPA and adds title of NFPA 30; deletes minimum standards language and replaces with reference to adopted ICC codes.
- I. Renumbers as G.; deletes reference to outdated edition of NFPA and adds title of NFPA 30A; deletes minimum standards language and replaces with reference to adopted ICC codes.
- J. Renumbers as H.; deletes reference to outdated edition of NFPA and adds title of NFPA 52; deletes minimum standards language and replaces with reference to adopted ICC codes.
- K. Renumbers as I.; deletes reference to outdated edition of NFPA and adds title of NFPA 54; deletes minimum standards language and replaces with reference to adopted ICC codes.
- L. Renumbers as J.; deletes reference to outdated edition of NFPA and adds title of NFPA 58; deletes minimum standards language and replaces with reference to adopted ICC codes.

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M. Renumbers as K.; deletes reference to outdated edition of NFPA and adds title of NFPA 59; deletes minimum standards language and replaces with reference to adopted ICC codes.

N. Renumbers as L.; deletes reference to outdated edition of NFPA and adds title of NFPA 70; deletes minimum standards language and replaces with reference to adopted ICC codes.

O. Renumbers as M.; deletes reference to outdated edition of NFPA and adds title of NFPA 72; deletes minimum standards language and replaces with reference to adopted ICC codes.

P. Renumbers as N.; deletes reference to outdated edition of NFPA and adds title of NFPA 96; deletes minimum standards language and replaces with reference to adopted ICC codes.

Q. Renumbers as O.; deletes reference to outdated edition of NFPA and adds title of NFPA 99; deletes minimum standards language and replaces with reference to adopted ICC codes.

R. Renumbers as P.; deletes reference to outdated edition of NFPA and adds title of NFPA 101; deletes minimum standards language and replaces with reference to adopted ICC codes; corrects regulation reference.

S. Renumbers as Q.; deletes reference to outdated edition of NFPA and adds title of NFPA 102; deletes minimum standards language and replaces with reference to adopted ICC codes.

T. Renumbers as R.; deletes reference to outdated edition of NFPA and adds title of NFPA 160; deletes minimum standards language and replaces with reference to adopted ICC codes.

U. Renumbers as S.; deletes reference to outdated edition of NFPA and adds title of NFPA 407; deletes minimum standards language and replaces with reference to adopted ICC codes.

V. Renumbers as T.; deletes reference to outdated edition of NFPA and adds title of NFPA 409; deletes minimum standards language and replaces with reference to adopted ICC codes.

W. Renumbers as U.; deletes reference to outdated edition of NFPA and adds title of NFPA 495; deletes minimum standards language and replaces with reference to adopted ICC codes.

X. Renumbers as V.; deletes reference to outdated edition of NFPA and adds title of NFPA 1122; deletes minimum standards language and replaces with reference to adopted ICC codes.

Y. Renumbers as W.; deletes reference to outdated edition of NFPA and adds title of NFPA 1123; deletes minimum standards language and replaces with reference to adopted ICC codes.

Z. Renumbers as X.; deletes reference to outdated edition of NFPA and adds title of NFPA 1124; deletes minimum standards language and replaces with reference to adopted ICC codes.

AA. Renumbers as Y.; deletes reference to outdated edition of NFPA and adds title of NFPA 1126; deletes minimum standards language and replaces with reference to adopted ICC codes.

BB. Renumbers as Z.; deletes reference to outdated edition of NFPA and adds title of NFPA 1127; deletes minimum standards language and replaces with reference to adopted ICC codes.

CC. Renumbers as AA.; deletes reference to outdated edition of NFPA and adds title of NFPA 1142; deletes minimum standards language and replaces with reference to adopted ICC codes.

DD. Renumbers as BB; rewords for clarity; deletes reference to Section 1-34-30.

EE. Renumbers as CC; rewords for clarity; deletes “‘read-only’ documents”.

71-8300.3. Alternate Materials and Alternate Methods of Construction.

A. Changes State Fire Marshal to SFM or OSFM.

B. Changes NFPA 101 to applicable standards of the NFPA or other nationally recognized fire safety standards; changes State Fire Marshal to SFM.

71-8300.4. Construction Documents and Shop Drawings.

A. Deletes text and regulation title (Plans, Specifications and Incident Reporting) in its entirety.

1. Deletes 1.; changes all plans and specifications to construction documents and/or shop drawings as appropriate; corrects acronym for Office of State Fire Marshal.

a. Deletes in its entirety.

b. Renumbers as 1.; changes water-based extinguishing systems to fire sprinkler systems; corrects typographical error.

c. Deletes in its entirety.

d. Renumbers as 2.; rewords and corrects citation.

2. Deletes former text in its entirety.
 3. Deletes former text in its entirety; adds reference for hydrogen facilities.
 4. Deletes former text in its entirety; adds facilities that OSFM is contractually obligated to review.
- B. Deletes Incident Reporting subsection in its entirety since it is moved to new R.71-8300.5; adds new text for construction documents.
1. Adds new text for submittal requirements for construction documents.
 2. Adds new text for preparation of construction documents and shop drawings by appropriate registered design professionals.
 3. Adds new text regarding exceptions for approving documents for submittal.
 4. Adds new text for the examination of documents.
 5. Adds new text for information on construction documents.
 6. Adds new text for responsibility of applicants.
 7. Adds new text for approved documents.
 8. Adds new text for corrected documents.
 9. Adds new text for revocation of document approval.

71-8300.5. Incident Reporting.

New regulation; adds and amends requirements from former 71-8300.4B/

71-8300.6. Fire Investigations.

New regulation; adds authority for OSFM to investigate the cause, circumstance and origin of any fire.

71-8301.1. General.

- A. No changes.
- B. 1. Changes “day care” to “childcare”; adds that such facilities are licensed by DSS and built prior September 1, 2009.
2. Corrects typographical error.
3. Adds new application for new and existing schools inspected by OSFM.
- C. Changes “day care” to “childcare”; corrects typographical error.

71-8301.2. Codes and Standards.

Deletes former text in its entirety and replaces with text referencing R.71-8300.2 and the building code.

71-8301.3. Requirements for Special Occupancies.

- A. Changes “day care facilities” to “childcare centers”; adds “existing licensed” beforehand.
 1. Changes “day care facilities” to “childcare centers”.
 2. Deletes language and rewords for clarity.
 3. Changes “day care facilities” to “childcare centers”; corrects typographical error in f.
 4. Changes State Fire Marshal to SFM.
- B. Changes “daycares” to “childcare centers” in j.
- C. Changes “Child Group Day Care” to “Group Childcare Homes”; changes “Group day care” to “Group Childcare” throughout; corrects typographical error.
- D. Changes “Child Family Day Care Facilities” to “Family Childcare Homes” throughout; corrects typographical error and regulation reference.
- E. Changes “Care” to “Home” in subsection title.
 1. Changes amount from six to five children; deletes Group R-3 occupancy.
 - a. Adds new requirement that the facility must be designed and intended for use as a dwelling per applicable statutes and regulations.

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- b. Renumbers former a.; rewords for clarity; adds installation locations for listed smoke alarms.
- c. Adds new requirement for power sources for listed smoke alarms.
- d. Adds new requirement for interconnection of listed smoke alarms.
- e. Renumbers former b.; rewords for clarity.
- f. Renumbers former c.; rewords for clarity.
- g. Renumbers former d.; adds that all sleeping rooms below the 4th story shall have emergency escape and rescue openings that open from the inside.
- h. Renumbers former e.; rewords for clarity.
- i. Renumbers former f.
- j. Renumbers former g.
- k. Renumbers former h.; adds “escape” for clarity; deletes last phrase.
- l. Renumbers former i.; adds “escape” for clarity.
- m. Renumbers former j.
- n. Renumbers former k.; adds “escape” for clarity.
- o. Renumbers former l.
- p. Adds requirement for installation and maintenance of an approved carbon monoxide alarm.
- q. Adds requirement for operable doors for each sleeping room that close and latch to provide compartmentation that protects occupants in case of a fire event.
- r. Adds requirement for the safety of the dwelling.
- s. Adds requirement for legibility and visibility of the facility address numbers.

71-8302.1. General.

Adds Section 23-9-40(b) under Subarticle 3; no changes to text.

71-8302.2. Codes and Standards.

- A. Deletes first sentence; changes “NFPA 495” to “codes and standards”.
- B. New subsection; adds that the building code shall define occupancy classifications referenced in these regulations.

71-8302.3. Licensing and Permitting Fees.

- A. No changes.
- B. Changes Office of State Fire Marshal and State Fire Marshal to its acronyms; corrects typographical error.
- C.-D. No changes.
- E. Rewords for clarity; adds that applications for one-year permits shall be submitted for approval at least 30 days in advance and all others at least 48 hours in advance; forms shall be properly completed.
- F. Changes Office of State Fire Marshal to its acronym.

71-8302.4. Licenses and Permits.

- A. No changes.
- B. 1. Changes Office of State Fire Marshal to its acronym.
- 2.-3. No changes.
- 4. Changes State Fire Marshal to OSFM.
- 5. a. Adds National Crime Information Center (NCIC) before criminal background check; changes Office of State Fire Marshal to its acronym.
- b. No changes.
- c. Changes Office of State Fire Marshal to its acronym.
- 6. a. No changes.

b. Changes SLED to National Crime Information Center (NCIC) before criminal background check; changes Office of State Fire Marshal to its acronym.

c. No changes.

d.-e. Changes Office of State Fire Marshal to its acronym.

C. Changes Office of State Fire Marshal to its acronym throughout; adds blasting permit application form requirements in. 1.-2.

D. Changes Office of State Fire Marshal to its acronym throughout; deletes 6. in its entirety.

71-8302.5. Records.

Corrects typographical error; changes Office of State Fire Marshal to its acronym throughout.

71-8302.6. Blasting Safety and Operations.

Changes Office of State Fire Marshal to its acronym throughout.

71-8302.7. Explosives and Investigations.

Changes Office of State Fire Marshal to its acronym throughout; gives statute reference for S.C. Explosives Control Act.

71-8302.8. Variances.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.1. General.

Corrects typographical error; deletes D. in its entirety since definitions are moved to R.71-8300.1E.

71-8303.2. Codes and Standards.

A. Changes "NFPA" to "codes and standards"; corrects typographical error.

B. New subsection; adds that the building code shall define occupancy classifications referenced in these regulations.

71-8303.3. Fees for Licensing, Testing, and Inspections.

Changes Office of State Fire Marshal and State Fire Marshal to its acronyms throughout; corrects typographical error.

71-8303.4. Licensing and Permitting Requirements.

A. Changes Office of State Fire Marshal to its acronym throughout.

B. Changes Office of State Fire Marshal to its acronym throughout; in 3., changes requirement from two photos per application to one.

C.-G. No changes.

H. Changes requirement from two photos per application to one.

71-8303.5. Renewal of Licenses and Permits.

Changes Office of State Fire Marshal to its acronym throughout.

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71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

Changes US Department of Transportation to its acronym throughout.

71-8303.8. Installation and Maintenance Procedures.

No changes.

71-8303.9. Minimum Equipment and Facility Requirements for Fire Equipment Dealer License.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.10. Powers and Duties of the State Fire Marshal.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.11. Fitness to Practice; Investigation of Complaints.

Corrects typographical error; changes Office of State Fire Marshal to its acronym throughout.

71-8303.12. Administrative Sanctions.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.13. Sanctions for Unlawful Practice.

No changes.

71-8303.14. Certain Acts Prohibited.

Changes Office of State Fire Marshal and Department of Transportation to their acronyms throughout.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.16. Suspensions or Revocation of License or Permit.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.17. Responsibility of Equipment Manufacturer.

Changes Office of State Fire Marshal to its acronym throughout.

71-8303.18. Penalties.

Changes Office of State Fire Marshal and State Fire Marshal to their acronyms throughout.

71-8304.1. General.

Hyphenates LP-Gas throughout; corrects Code reference; deletes D. in its entirety since definition is moved to R.71-8300.1E.

71-8304.2. Codes and Standards.

A. Changes “NFPA” to “codes and standards”; corrects typographical error.

B. New subsection; adds that the building code shall define occupancy classifications referenced in these regulations.

71-8304.3. Licensing and Permitting Fees.

Changes Office of State Fire Marshal and State Fire Marshal to their acronyms throughout; corrects typographical error.

71-8304.4. Licensing Requirements.

Changes Office of State Fire Marshal to its acronym throughout.

71-8304.5. Plan Submittal Requirements.

New regulation for LP-gas dealers’ compliance with the plan submittal requirements of NFPA 58.

71-8305.1. General.

Adds Section 40-56-10(D) to Statutory Authority under Subarticle 6.

Changes State Fire Marshal and U.S. Department of Transportation to their acronyms throughout; deletes D. in its entirety since definitions are moved to R.71-8300.1E.

71-8305.2. Codes and Standards.

Changes “ICC” to “codes and standards”; corrects typographical error; rewords for clarity.

71-8305.3. Licensing and Permitting Fees.

Changes Office of State Fire Marshal and State Fire Marshal to their acronyms throughout; corrects typographical error.

71-8305.4. Qualifications of Operators.

Changes Office of State Fire Marshal to its acronym throughout.

71-8305.5. Display Permits.

Changes Office of State Fire Marshal and Authority Having Jurisdiction to their acronyms throughout.

71-8305.6. General Operational Requirements of Displays.

Changes Office of State Fire Marshal and Authority Having Jurisdiction to their acronyms throughout; corrects typographical errors.

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71-8305.7. Use of Consumer Fireworks in South Carolina.

Changes Office of State Fire Marshal to its acronym throughout; corrects typographical error.

71-8305.8. Transportation of Fireworks or Pyrotechnics in South Carolina.

Changes Office of State Fire Marshal to its acronym throughout.

SUBARTICLE 7. HYDROGEN FACILITIES.

Repeals Subarticle 7 (71-8306.1 through 71-8312) in its entirety; replaces with new Subarticle 7 (71-8306.1 through 71-8306.5) regarding the permitting of hydrogen facilities.

The Notice of Drafting was published in the *State Register* on November 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 12, 2014. Written comments may be directed to Shane Ray, State Fire Marshal, South Carolina Division of Fire and Life Safety, Department of Labor, Licensing, and Regulation, 141 Monticello Trail, Columbia, South Carolina 29203, or by email to Shane.Ray@llr.sc.gov, no later than 5:00 p.m., January 27, 2014. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the nationally recognized codes and standards governing fire safety in accordance with S.C. Code Ann. §§23-9-40, 23-9-60, 23-9-550(A)(2), 23-35-45, and 23-36-80. The purpose of these regulations is to safeguard to a reasonable degree, life and property from fire, explosion, dangerous conditions, natural disasters, acts of terrorism and other hazards associated with the construction, alteration, repair, use and occupancy of buildings, structures or premises as well as to provide safety to fire fighters and emergency responders during emergency situations. Reg. 71-8300.1 adds references to the IBC (International Building Code) and the ICC (International Code Council), clarifies language, and centralizes definitions. Reg. 71-8300.2 deletes outdated code editions, replacing the yearly edition with the title of the NFPA standard, and adds reference to the Building Codes Council, also in accordance with S.C. Code Ann. §§6-9-5, 6-9-50 and 6-9-110. Reg. 71-8300.4 establishes standards for submittal of construction documents and shop drawings per S.C. Code Ann. §40-10-260. Reg. 71-8300.5 establishes provisions for incident reporting requirements as covered in S.C. Code Ann. §23-9-360. Reg. 71-8300.6 provides for investigations in compliance with S.C. Code Ann. §23-9-40(f). Reg. 71-8301.1 and Reg. 71-8301.3 change the terms day care facility to childcare facility to match the terms defined in S.C. Code Ann. §63-13-20. Reg. 71-8301.3 amends the number of children allowed in foster homes from six to five in accordance with Reg. 114-550(D)(6) of the Department of Social Services and International Code Council standards. Reg. 71-8304.5 adds plan submittal requirements per S.C. Code Ann. §40-82-220. Regs. 71-8306.1 through 71-8312 are repealed because of outdated and duplicative provisions already covered by statute and in other parts of the regulations. New Regs. 71-8306.1 through 71-8306.5 establish permitting requirements for hydrogen facilities in accordance with S.C. Code Ann. §23-9-550.

DESCRIPTION OF REGULATION:

Purpose: The Department is updating the regulations to conform to national codes and standards.

Legal Authority: 1976 Code Sections 23-9-40, 23-9-60, 23-9-550, 23-35-45 and 23-36-80.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

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

The proposed regulations will prevent conflict between existing regulations and national codes and standards.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no detrimental effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with national adopted codes and standards.

Text:

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

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Document No. 4446

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71**

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

- 71-400. Definitions.
- 71-401. Citations; Notice of De Minimis Violation.
- 71-402. Proposed Penalty.
- 71-403. Posting of Citation.
- 71-404. Failure to Correct Violation for Which Citation Has Been Issued.
- 71-405. Petition for Modification of Abatement.
- 71-406. Informal Conference.
- 71-407. Employer or Employee Contest.
- 71-408. Failure to Contest.
- 71-409. Withdrawal, Modification or Amendment to Citation and Proposed Penalty.
- 71-410. Abatement Verification.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Office of Occupational Safety and Health proposes to amend Regulations 71-400 through 71-407, add Regulation 71-408, and amend Regulations 71-409 through 71-411 to reflect recent amendments made to the South Carolina Occupational Safety and Health Act.

Section by Section Discussion:

71-400. Definitions.

- A. Adds new definition “Abatement”.
- B. Formerly A.
- C. Formerly B.
- D. Formerly C.
- E. Formerly D.
- F. Formerly E.
- G. Formerly F; changes “communication” to “agency determination”.
- H. Formerly G; changes "Compliance Manager" means that person in the Department of Labor, Licensing and Regulation, State of South Carolina, who is designated by the Administrator as responsible for inspections made pursuant to the State's Occupational Safety and Health Laws including, but not limited to, the issuance of citations and assessment of penalties.
- I. Adds new definition “Contest Period”.
- J. Adds new definition “Designee”.
- K. Formerly H.
- L. Formerly I; deletes former definition “Industrial Hygienist”; corrects typographical error.
- M. Formerly J.
- N. Formerly K.
- O. Adds new definition “Informal Conference”.
- P. Adds new definition “Informal Conference Hearing Officer”.
- Q. Adds new definition “Informal Settlement Agreement”.
- R. Formerly M.; changes “communication” to “agency determination”.
- S. Formerly N.
- T. Formerly O.
- U. Formerly P.

- V. Formerly Q.
- W. Formerly R.
- X. Formerly S.

71-401. Citation; Notice of De Minimus Violation.

A. Adds “or his designee” and “any violation”; deletes “and Industrial Hygienist” and “the inspection”; changes “sent by certified mail” to “provided to”.

B. Deletes “and Industrial Hygienist”; adds “or his designee” after “compliance manager” in the first sentence.

C. Adds “While” to beginning of first sentence and “is the agency’s determination, it” and “to” to same sentence.

D. New section; adds that no citation may be issued to an employer because of a rescue activity undertaken by an employee in response to imminent danger and gives parameters for such situations.

71-402. Penalty.

Deletes word “proposed” in the heading.

A. Adds “or his designee”; changes the word “proposed” to “assessed” once; deletes “proposed”.

B. Changes “Compliance Manager or his representative” to “Compliance Manager or his designee”.

C. Changes “proposed” to “assessed” in two places and deletes “or the Industrial Hygienist”.

D. Changes the word “proposed” to “assessed” in three places and capitalizes “order”.

71-403. Posting of Citation.

A. No changes.

B. Changes “notice of contest” to “request for contested case hearing” and adds “and R.71-408” and corrects pronoun/object reference in the second sentence.

C. No changes.

71-404. Failure to Correct Violation for Which Citation Has Been Issued.

A. Changes “Compliance Manager or his representative” to “Compliance Manager or his designee” and “proposed” to “assessed”.

B. Changes first sentence to read “ notification of penalties for failure to abate violations”; deletes “proposed” before “penalty”; changes “Director” to “Administrator”; rewords for clarity.

C. Deletes in its entirety.

71-405. Petition for Modification of Abatement.

A. Lowercases “Petition for Modification of Abatement”; adds “or his designee” after “Compliance Manager”.

B. Lowercases “Petition for Modification of Abatement”; adds “or his designee” after “Compliance Manager”; deletes last sentence.

C. Deletes last sentence.

D. Adds next text regarding issuance of a decision by the Compliance Manager within ten days.

E. Formerly D. Adds “to the Department” after “service”.

F. Formerly E. Adds “Timely” after “Failure to File” in heading; adds “or his designee” after “Compliance Manager” throughout; lowercases “Petition for Modification of Abatement”; rewords for clarity; corrects subsection reference.

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71-406. Informal Conference.

A. Changes “Compliance Manager or his designated representative” to “Informal Conference Hearing Officer or his designee” in first sentence and to “Administrator or his designee” in the second sentence; deletes “proposed” before “penalty”; changes “Protest” and “Contest” to “contested case hearing”; and twenty days to thirty days.

B. Adds new text regarding informal conference procedures (former B., E.-G. following).

1. Formerly B.; changes “Compliance Manager” to “Informal Conference Hearing Officer”.

2. Formerly E.; changes “Compliance Manager or his representative” to “Informal Conference Hearing Officer”; adds sentence that an alternative site may be designated for informal conferences upon Administrator’s approval.

3. Formerly F.; adds text that informal conference will be scheduled upon request, held and decisions rendered within the thirty (30) day contest period.

4. Formerly G.; changes “Compliance Manager or his designated representative” to “Informal Conference Hearing Officer or his designee”.

C.-D. Deletes in their entirety; adds new text for C. and D. regarding the Settlement Agreement and the Informal Conference Hearing Officer.

71-407. Employer or Employee Protest.

A. Changes “serve a notice of contest” to “request a contested case hearing” and “Director” to “Compliance Manager or his designee”; rewords for clarity; adds last sentence regarding that the request for a contested case hearing shall be filed within 30 days after the actual or constructive notice of the issuance of the citation by the Administrator or his authorized representative.

B. Rewords for clarity.

C. Adds new text regarding the failure to file a request for a contested case hearing.

71-408. Request for a Contested Case Hearing; Posting.

New section subject and title.

A. New subsection; provides for request for a contested case hearing for affected employees represented and not represented by an authorized employee representative and combinations thereof.

B. New subsection; provides for service of the notice of hearing by the employer on affected employees or the authorized employee representative.

C. New subsection; provides for proof of service by first class mail, personal delivery, or written statement filed with the pleading or document.

71-409. Failure to Contest.

Renumbers section from 71-408 to 71-409.

Changes “notice of contest” to “request for contested case hearing”; deletes “proposed”.

71-410. Withdrawal, Modification or Amendment to Citation and Penalty.

Renumbers section from 71-409 to 71-410 and deletes “Proposed” in title.

A. Deletes “proposed” before “penalty”; changes “twenty” to “thirty” days; rewords for clarity.

B. Changes “twenty” to “thirty” days, “Notice of Protest” to “request for contested case hearing”, and “Director” to “Administrator or his designee”; deletes “proposed” before “penalty”.

C. Changes “Notice of Protest” to “request for contested case hearing”; deletes “proposed” before “penalty”.

71-411. Abatement Verification.

Renumbers section from 71-410 to 71-411.

Changes “citated” to “cited” in B.(3); provides written numerals for consistency.

Appendices.

No changes.

A Notice of Drafting was published in the *State Register* on February 22, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 7, 2014. Written comments may be directed to Dorothy Ison, Administrator, South Carolina Office of Occupational Safety and Health, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, or by email to Dottie.Ison@llr.sc.gov, no later than 5:00 p.m., January 27, 2014. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions in complying with these proposed regulations.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Occupational Health and Safety Practice Act. These regulations are amended in conformance with S.C. Code Ann. §§ 41-3-40 and 41-15-210. Reg. 71-400 adds specific reference to the Department in the definition of Compliance Manager since the OSHA State Program Administrator designates the Compliance Manager as responsible for inspections in this State. Reg. 71-401 updates the citation requirements in compliance with S.C. Code Ann. § 41-15-280 with an exemption for rescue activity undertaken by an employee with respect to an individual in imminent danger except under specified conditions. Reg. 71-402 is updated in accordance with S.C. Code Ann. §§ 41-15-300 and 41-15-320. Both regulations make reference to failure to contest provisions with Articles 3 and 5 of Chapter 23, Title 1 of the Administrative Procedures Act. Reg. 71-403 adds reference to service and regards the posting of citations in compliance with S.C. Code Ann. § 41-15-280. Reg. 71-404 conforms with S.C. Code Ann. § 41-15-310 regarding the thirty day period for notice of contest to the Administrative Law Court in compliance with Articles 3 and 5 of Chapter 23, Title 1 of the Administrative Procedures Act, and with S.C. Code Ann. § 41-15-320(d) regarding an employer who fails to correct a violation for which a citation has been issued. Reg. 71-406 and Reg. 71-410 reference the rules of the Administrative Law Court as found in Articles 3 and 5 of Chapter 23, Title 1 of the Administrative Procedures Act. Reg. 71-407 complies with S.C. Code Ann. § 41-15-310 regarding the thirty day period for requesting a contested case hearing to the Administrative Law Court in compliance with Articles 3 and 5 of Chapter 23, Title 1 of the Administrative Procedures Act. Reg. 71-408 provides for appropriate service of notices in compliance with the applicable sections of the Administrative Procedures Act and for proof of service of such notices.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 41-3-40 and 41-15-210.

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Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify affected parties of the revised regulations and post the revised regulations on the agency's web site.

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the Office of Occupational Health and Safety's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will reflect recent amendments made to the Occupational Safety and Health Act.

Text:

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

Document No. 4443

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

123-42.1. Regulations Concerning the Hunting of Wild Turkeys in Game Zone Nine (9)

123-47. Designation of Certain Areas and Times of the Year for Wild Turkey Hunting

123-50. Crow Hunting Season

123-51. Turkey Hunting Rules and Seasons

123-52. Either-sex Days for Private Lands in Game Zones 1-6

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife. The following is a section-by-section summary of the proposed changes and additions:

123-40

A. Game Zone 1

1. Other WMAs - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - clarifies archery season for deer, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(ii)(iii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (i)(i) - changes hog hunting season with dogs.

2. Glassy Mountain Archery Only Area - Chestnut Ridge Heritage Preserve - (a)(i) - clarifies archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b) adds small game season.

3. Stumphouse WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e)(ii) - extends small game hunting.

4. Long Creek Tract - (a) - adds bag limits.

B. Game Zone 2

1. Other WMAs - (a) deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(ii)(iii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (g)(i) - changes hog hunting season with dogs.

2. Keowee WMA - (a) designates area as a Quality Deer Management Area, (b) clarifies geographic location, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c) - extends quail season, (d) - extends raccoon and opossum season.

3. Draper WMA - (a) adds data card requirement for hunter access, (b) adds archery hunts for deer, (c) adds primitive weapons hunts for deer, (d) adds still gun hunts for deer, (e) clarifies quail hunting limits and hours, (f) increases daily bag limit for rabbits.

4. Fant's Grove WMA - (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5), (d) extends raccoon and opossum season.

5. Rock Hill Blackjacks HP WMA - (a)(i)(ii) - extends archery deer season, deletes deer archery limit, statewide limit applies (see Regulation 4.5).

6. Belfast WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - extends archery deer season, (d) - deletes primitive weapons season, (g)(i) - extends small game season.

7. Broad River Waterfowl Management Area - (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5), (c) reduces small game season.

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8. McCalla WMA - adds McCalla WMA as a named WMA, (a) - designates area as a Quality Deer Management Area, (d) - clarifies hog hunting season with dogs.

9. Worth Mountain WMA - (a) designates area as a Quality Deer Management Area.

C. Game Zone 3

1. Other WMAs - (a) deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b) - adds an archery deer season, (b) decreases still gun season for deer.

2. Crackerneck WMA and Ecological Reserve – (a) deletes minimum antler requirement covered in general regulation 4.8, deletes hog hunting regulations covered in general regulation 2.17; (b) – deletes prohibition on hunting deer with dogs covered in general regulation 5.4, (b)(ii) – deletes no limit on hogs covered in general regulation 2.17; (c) changes archery and muzzleloader to primitive weapons for consistency, (c)(ii) – deletes reference to limit on hogs covered in general regulation 2.17; (d) – deletes prohibition on use of buckshot covered in general regulation 3.3; (e) deletes no limit on opossums; (f) – replaces pistols with handguns for consistency; (g) – adds word other before small game, (g)(ii) – specifies game zone 3 bag limits for other small game species.

3. Aiken Gopher Tortoise HP WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b) - adds an archery deer season, (c)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f) - clarifies small game seasons.

4. Ditch Pond HP WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - extends archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5).

5. Henderson HP WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - extends archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5).

D. Game Zone 4

1. Other WMAs - (a) - deletes individual tag use regulation, statewide regulation applies (see Regulation 4.5); (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5), (c)(i) - reduces still gun deer season, (c)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5).

2. Marsh WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5). (d) - eliminates primitive weapons season for deer, (e)(i) - increases still gun hunts for deer, (e)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f) - changes still hog hunt dates, (g) - decreases hog hunts with dogs, (h)(i) - decreases raccoon and opossum season for consistency, (i)(i) - increases small game season, (i)(iii) - increases woodcock season.

3. Sand Hills State Forest WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i) - decreases still gun hunts for deer, (c)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5), (d) eliminates coyote still hunts.

4. McBee WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b)(i) - decreases still gun hunts for deer for consistency, (b)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases quail bag limit, (c)(ii) - decreases other small game seasons.

5. Pee Dee Station WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d) - eliminates primitive weapons hunt for deer, adds still gun hunts for deer, (e) - eliminates still hog hunts, (f) - reduces raccoon and opossum seasons for consistency, (g) - increases other small game seasons.

6. Woodbury WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d)(i) - decreases primitive weapons season, (d)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (e)(i) - decreases still gun hunts for deer, (e)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f) - changes still hog hunt dates, (g)(i) - decreases hog hunts with dogs, (i) - increases other small game seasons.

7. Little Pee Dee Complex HP WMA - duplicates seasons and bag limits for this WMA from Game Zone 5. Portions of the WMA occur in both Game Zone 4 and Game Zone 5.

E. Game Zone 5

1. Other WMAs - (a)(i) - increases archery deer seasons, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b)(i) - decreases still gun hunts for deer, (b)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5).

2. Great Pee Dee HP WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d) - eliminates primitive weapons season for deer, (d)(i) - increases still gun hunt for deer, (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e) - changes still hog hunt dates; (f) adds hog hunt with dogs, (h) - increases other small game seasons.

3. Longleaf Pine HP WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases still gun hunts for deer, (c)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5).

4. Manchester State Forest WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i)(1) (ii)(1) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(ii) - clarifies deer hunt with dog limits, (e)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (g) - decreases raccoon and opossum season for consistency, (i) - increase quail season.

6. Hickory Top WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - decreases archery deer season for consistency, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d)(i) - increases primitive weapons season for deer, (d)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (f) - eliminates still hog hunts, (g)(i) - decreases hog hunts with dogs.

7. Oak Lea WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c) - eliminates primitive weapons season for deer.

8. Santee Dam WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i) - decreases primitive weapons season for deer, (c)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d) - eliminates still hog hunts, (e)(i) - decreases hog hunts with dogs.

9. Wee Tee WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d) - eliminates primitive weapons season for deer, (e)(i) - increases still gun hunts for deer, (e)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f) - changes still hog hunt dates, (g)(i) - decreases hog hunts with dogs, (i) - increases small game seasons

10. Santee Delta WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b) - eliminates still hog hunts, (c)(i) - moves the timing of hog hunts with dogs.

11. Samworth WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b) - eliminates special gun hunts for deer, (c) eliminates still hog hunts, (d)(i) - moves the timing of hog hunts with dogs.

12. Cartwheel Bay HP WMA - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - increases archery deer season, (b)(i)(1)(ii)(1) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i) - decreases small game seasons.

13. Lewis Ocean Bay HP WMA - (b)(i) - decreases archery deer season for consistency, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c)(i) - decreases primitive weapons season for deer, (c)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(i) - increases still gun hunts for deer, (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e)(i) - increases small game seasons.

14. Little Pee Dee Complex WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(i)(ii) - decreases archery deer season for consistency, (c)(i)(1)(ii)(1) - deletes deer archery

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limit, statewide limit applies (see Regulation 4.5); (d)(i)(ii) - decreases primitive weapons season for deer, (d)(i)(1)(ii)(1) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (e)(i) - increases still gun hunts for deer; (e)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5), (f) - changes still hog hunt dates, (g)(i) - moves the timing of hog hunts with dogs.

15. Waccamaw River HP WMA - (b)(i) - decreases archery deer season for consistency, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5), (c)(i) - decreases primitive weapons season for deer, (c)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (d)(i) - increases still gun hunts for deer, (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e) - changes still hog hunt dates, (f)(i) - moves the timing of hog hunts with dogs, (g)(i) - increases raccoon and opossum season.

F. Game Zone 6

1. Francis Marion National Forest - (a) - clarifies use of individual antlerless deer tags, (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (b)(i) - increases hog hunts with dogs, (c) - changes still hog hunt dates, (d)(i)(1) - decreases archery deer season for consistency, (d)(i)(2) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d)(ii)(1) - increases still gun hunts for deer, (d)(ii)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (d)(vi)(3) - increases bag limit for quail, (e)(i)(1) - decreases archery deer season for consistency, (e)(i)(2) - deletes deer archery limit for consistency, statewide limit applies (see Regulation 4.5); (e)(ii)(1) - decreases primitive weapons season for deer, (e)(ii)(2) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (e)(iii)(1) - decreases still gun hunts for deer for consistency, (e)(iii)(1)(a)(2)(a) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e)(v)(3) - increases quail bag limit, (f)(i)(1) - decreases archery deer season for consistency, (f)(i)(2) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (f)(ii)(1) - decreases still gun hunts for deer for consistency, (f)(ii)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f)(iii)(2)(a) - decreases deer limit, (f)(v)(2) - decreases archery deer season for consistency, (f)(v)(3) - deletes deer archery limit, statewide limit applies (see Regulation 4.5), (f)(vii)(3) - increases quail bag limit, (g)(i)(1) - decreases deer archery season for consistency, (g)(i)(2) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (g)(ii)(1) - decreases still gun hunts for deer for consistency, (g)(ii)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (g)(iii)(2)(a) - decreases deer limit, (g)(iv)(1) - changes timing of youth only deer hunt with dogs, (g)(vi)(3) - increases quail bag limit, (h)(i)(1) - decreases deer archery season for consistency, (h)(i)(2) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (h)(ii)(1) - decreases still gun hunts for deer for consistency, (h)(ii)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (h)(iii)(2)(a) - decreases deer limit, (h)(iv)(1) - changes timing of youth only deer hunt with dogs, (h)(vi)(3) - increases quail bag limit.

2. Moultrie - (a) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (c)(ii)(1) - decreases still gun hunts for deer, (c)(ii)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (c)(iii)(2) - increases quail bag limit, (d)(i)(1) - increases still gun hunts for deer, (d)(i)(2) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (d)(ii)(1) - decreases small game season for consistency, (d)(ii)(2) - increases quail bag limit, (e) - deleting Hall WMA, combined with Porcher WMA, (f)(ii) - decreases still gun hunts for deer, (f)(iii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (f)(v)(1) - decreases small game seasons, (f)(v)(2) - increases quail bag limit, (g) - adds Hall WMA, (g)(i)(1) - decreases archery deer season for consistency, (g)(i)(2) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (g)(ii)(2) - increases quail bag limit.

3. Santee Cooper WMA - (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (d)(i) - increases archery deer season, (d)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (e)(i) - increases primitive weapons season for deer, (e)(ii) - deletes deer primitive weapons limit, statewide limit applies (see Regulation 4.5); (h)(i) - increases small game seasons, (h)(ii) - increases quail bag limit.

4. Webb WMA - (c) - eliminates still hog hunts, (d)(i) - moves the timing of hog hunts with dogs, (e)(ii) - increases quail bag limit, (f)(i) - increases other small game seasons.

5. Bear Island WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (h)(i) - increases small game seasons.

6. Donnelley WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (f)(i) - increases small game seasons.

7. Hatchery WMA - (a)(i) - increases archery deer season, (a)(ii)(iii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5).

8. Bonneau Ferry WMA - (a) - clarifies deer and small game seasons and regulations; (b) - deletes total deer bag limit, statewide limit applies (see Regulation 4.5); (d)(i)(1)(2)(3) - decreases deer archery season for consistency, (f)(i) - increases raccoon and opossum season, (g)(i)(h)(i) - increases quail season, (g)(ii)(h)(ii) - increases quail bag limit.

9. Santee Coastal Reserve WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c) - eliminates primitive weapons season for deer, (d)(i) - increases hog hunts with dogs, (g)(i) - increases small game seasons.

10. Dungannon HP WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b) - adds small game seasons.

11. Edisto River WMA - (b)(i) - increases archery deer season, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (c) - eliminates primitive weapons season for deer, (d)(i) - increases still gun hunts for deer, (d)(ii) - deletes deer gun limit, statewide limit applies (see Regulation 4.5); (e) - increases raccoon and opossum seasons, (e)(i) - increases other small game seasons, (e)(ii) - increases quail bag limit.

12. Canal WMA - (a)(i) - increases quail season, (a)(ii) - increases quail bag limit.

13. Palachucola WMA - (c)(i) - increases archery deer season, (c)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (e) - eliminates still hog hunts, (f)(i) - moves the timing of hog hunts with dogs, (g)(ii) - increases quail bag limit, (h)(i) - decreases small game seasons.

14. St. Helena Sound HP WMA - (b) - deletes Otter Island archery deer hunts, combines with hunts for other islands in the WMA; (c) - eliminates raccoon hunts, (d) - adds Otter Island, (d)(i) - increases archery deer season, (d)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5).

15. Waccamaw River HP WMA - removes this WMA from Game Zone 6. It was moved to Game Zone 5 by statute. This changes items 16 through 21 to 15 through 20.

16. Tillman Sand Ridge HP WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b) - eliminates primitive weapons season for deer, (c)(i) - decreases small game seasons for consistency.

17. Victoria Bluff HP WMA - (a)(i) - increases archery deer season, (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (b)(i) - decreases small game seasons for consistency.

18. Hamilton Ridge WMA - (b)(i) - decreases archery deer season for consistency, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (d) - eliminates still hog hunts, (e)(i) - moves the timing of hog hunts with dogs, (f)(ii) - increases quail bag limit, (g)(i) - increases other small game seasons.

19. Old Island HP WMA - (a)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5).

20. Botany Bay Plantation HP WMA - (b)(i) - increases archery season for deer, (b)(ii) - deletes deer archery limit, statewide limit applies (see Regulation 4.5); (e)(i) - increases small game seasons, (e)(ii) - increases quail bag limit.

21. Congaree Bluffs HP WMA - (a)(ii) - decreases deer bag limit.

2.8 - deletes last sentence.

2.9 - deletes seasons; adds hunts.

2.12 - changes statewide youth day deer hunt limit.

2.14 - clarifies bag limits for coyotes and armadillos.

2.15 - new regulation related to WMA violations during lottery hunts.

2.16 - restricts access during special hunts.

2.17 - creates and clarifies a general regulation for hunting hogs.

2.18 - clarifies small game seasons

3.1 - clarifies legal archery equipment.

3.3 - clarifies legal ammunition for shotguns on WMAs in Game Zones 3 - 6.

4.2 - separates from 4.1 based on dissimilar subject matter.

4.3 - separates from 4.1 based on dissimilar subject matter. Reduces number of days available for man-drives in Game Zones 1 & 2.

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4.4 (a)(b) - moves and/or reduces the number of either-sex days in all Game Zones.

4.4 (c) - allows harvest of antlerless deer without tags with archery equipment during primitive weapons seasons only.

4.4 (d) - clarifies antlerless deer limits on special hunts.

4.5 - establishes a statewide WMA bag limit for deer and establishes use of individual antlerless deer tags in Game Zones 2 - 6.

4.6 - clarifies use of Individual Antlerless Deer Tags

4.7 - clarifies tagging requirement for antlerless deer

4.8 - establishes criteria for Quality Deer Management Areas.

5.2 - changes the season for dog training.

5.4 - adds unless otherwise specified, deer hunting with dogs on WMA lands is prohibited.

10.3 - adds language pertaining to portable blinds and temporary blinds.

10.6 - changes Clarks Hill Waterfowl Area to Bordeaux Work Center Area.

10.7 - deletes the use restriction on Santee Cooper WMA. This changes items 10.8 through 10.21 to 10.7 through 10.20.

10.10 - removes hunter entry time restriction for Potato Creek Hatchery Waterfowl Area.

10.11 - removes hunter entry time restriction for Hatchery Waterfowl Area.

10.14 - clarifies bag limits and defines boundaries on WMAs.

123-42.1 - deletes entire section. This regulation was only applicable to Game Zone 9 which no longer exists.

123-47 - deletes entire section. This regulation was only applicable to the 1980 turkey season.

123-50

4. new; clarifies crow hunting on WMAs.

123-51 - Standardizes and clarifies turkey bag limits and hunting periods on many WMAs.

A. Game Zone 1

1. eliminates repetitive language related to turkey limit on private lands

B. Game Zone 2

1. eliminates repetitive language related to turkey limit on private lands

3,5. increases hunt period for turkey on Draper and Worth Mountain WMAs

6. establishes turkey bag limit on McCalla WMA

C. Game Zone 3

1. eliminates repetitive language related to turkey limit on private lands; (c) - clarifies turkey bag limit on other WMAs.

2. reduces turkey bag limit on Crackerneck WMA from 5 to 3.

D. Game Zone 4

1. eliminates repetitive language related to turkey limit on private lands; (c) - clarifies turkey bag limit on other WMAs.

2,4,5,6,7. Increases hunt period for turkeys.

5,6. Increases turkey bag limit from 1 to 2

E. Game Zone 5

1. eliminates repetitive language related to turkey limit on private lands; (c) - clarifies turkey bag limit on other WMAs.

2,3,4,6,8,9,10,11,12 – increases hunt period for turkeys.

2,9,10,11,12 – increases turkey bag limit from 1 to 2.

F. Game Zone 6

1. eliminates repetitive language related to turkey limit on private lands

3,9,10,11 – increases hunt period for turkeys

11 – increases bag limit from 1 to 2

10. Waccamaw River HP WMA - removes this WMA from Game Zone 6. Statute moved this property to Game Zone 5. This changes items 11 through 13 to 10 through 12.

- G. Statewide Youth Hunting Day - corrects outline format
2. new; (e) clarifies tagging requirement for turkey hunting.

123-52

- 1 - 4. - clarifies the antlerless deer limits for all Game Zones and reduces either-sex days in Game Zones 2 - 6.
5. - new; allows harvest of antlerless deer without tags with archery equipment during primitive weapons seasons only.
6. - changed from 5; decreases daily limit of antlerless deer from 2 to 1.
7. - new description of tagging procedure.

123.53 - new; establishes a coastal black bear hunting season.

A Notice of Drafting was published in the *State Register* on November 22, 2013, Volume 37, Issue No. 11.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on Monday, January 27, 2014 at 10:00 am in Room 335, Third Floor, Rembert C. Dennis Building. Written comments may be directed to Emily Cope, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202, no later than January 27, 2014.

Preliminary Fiscal Impact Statement:

The amendment of Regulations 123-40, 123-50, 123-51, 123-52 and 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

DESCRIPTION OF THE REGULATION:

Purpose: These regulations amend Chapter 123-40, 123-50, 123-51, 123-52, 123-53 in order to set seasons, bag limits and methods of hunting and taking of wildlife on existing and additional Wildlife Management Areas and to clarify the use of Individual Antlerless Deer Tags in all Game Zones and delete regulations 123-42.1 and 123-47 that are obsolete.

Legal Authority: Under Sections 50-11-2200 and 50-11-2210 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to protect, preserve, operate, maintain and regulate use, as well as to establish open and closed seasons, bag limits, and methods of taking wildlife. Under Section 50-11-96 of the S.C. Code of Laws, the Department of Natural Resources is authorized to promulgate regulations to implement and regulate the provisions of this section.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

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

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.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of these regulations 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.

UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health.

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

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 60 years of experience by SCDNR in establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Text:

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

Document No. 4447
BOARD OF NURSING
CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E) and (I), and 40-33-70

Preamble:

The South Carolina Board of Nursing proposes to add Regulation 91-32 to establish a code of ethics in regulation in conformance with its practice act.

Section-by-Section Discussion:

91-32. Code of Ethics.

Add Article 5, Code of Ethics subheading before regulation text.

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 11, 2014. Written comments may be directed to Nancy Murphy, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing, and Regulation, Post Office Box 12367, Columbia, South Carolina 29211-2367, or by email to nancy.murphy@llr.sc.gov, no later than 5:00 p.m., January 27, 2014. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added in conformance with S.C. Code Ann. § 40-33-70 regarding the establishment of a code of ethics in regulation. This code of ethics adopts the Code of Ethics for Nurses by the American Nurses Association.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-33-10(E) and (I), and 40-33-70.

Plan for Implementation: The new regulation will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the new regulation and post the new regulation on the agency's web site.

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

The proposed regulation will prevent conflict between the practice act and regulations.

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DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

Statement of Rationale:

This regulation is added in conformance with the current Board of Nursing Practice Act.

Text:

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

Filed: November 15, 2013 2:48pm

Document No. 4440
CRIMINAL JUSTICE ACADEMY
 CHAPTER 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

37-001. through 37-110. Criminal Justice Academy

Emergency Situation:

The General Assembly passed Act 317 (effective May 30, 2006) and Act 335 (effective June 16, 2008) separating the South Carolina Criminal Justice Academy from the Department of Public Safety. S.C. Code §23-23-10, et seq. requires the Criminal Justice Academy to train, certify, and evaluate eligibility for certification of candidates for law enforcement certification in the state of South Carolina. S.C. Code 23-47-20(C)(15) requires telecommunication operators or dispatchers to be trained and certified by the Law Enforcement Training Council (Criminal Justice Academy). The Act allows the Criminal Justice Academy to promulgate regulations as are necessary for the administration of Act 317. Consistent with these authorizations and requirements, the Criminal Justice Academy has attempted on three (3) occasions to “clean up” inconsistencies between S.C. Code §23-23-10, et seq., S.C. Code §23-47-20(C)(15), and the current regulations (Chapter 38). On November 13, 2013, the Criminal Justice Academy received a Final Order from the Administrative Law Court in Case Number 12-ALJ-30-0087-AP. This Order held that the regulations contained in Chapter 38 are “defunct” and, essentially, that until the Criminal Justice Academy promulgated regulations the Law Enforcement Training Council has no lawful “criteria for evaluating and exercising their authority to suspend, revoke, or restrict a law enforcement certification.”

Text:

ARTICLE 1

LAW ENFORCEMENT TRAINING

37-001. Authority of Director.

A. The Director is authorized to issue orders directing that public law enforcement agencies and law enforcement officers certified in this state comply with Chapter 23, Title 23 Code of Laws of South Carolina, 1976, as amended, and the regulations promulgated pursuant thereto.

B. All orders so issued shall be reviewed and ratified by the Council prior to their issuance.

37-002. Application for Re-issuance of Certification.

All applications for re-issuance of law enforcement certification shall be submitted to the Academy within fifteen days after hiring on a form prescribed by the Council.

37-003. Requirement of Good Character.

A. Background Investigations.

Every agency who requests certification of any class of law enforcement officer shall conduct a background investigation in accordance with guidelines issued by the Council.

B. Certification to the Council.

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Every agency who requests certification of any class of law enforcement officer shall certify to the Council that, in the opinion of the employing agency, the candidate is of good character and has not engaged in misconduct as defined in R.37-004.

C. Availability of Background Information.

Information obtained in any background investigation made in response to these regulations, shall be available, upon request, to the Academy and/or Council for its review and to any future prospective law enforcement employers to assist them in a determination of an applicant's good character for law enforcement certification.

37-004. Denial of Certification for Misconduct.

A. The Council may deny certification based on evidence satisfactory to the Council that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of one year or more (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;

2. Unlawful use of a controlled substance;

3. The repeated use of excessive force in dealing with the public and/or prisoners;

4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

5. Physical or psychological abuses of members of the public and/or prisoners;

6. Misrepresentation of employment-related information;

7. Dishonesty with respect to his/her employer;

8. Untruthfulness with respect to his/her employer.

B. In considering whether to deny certification based on misconduct, the Council may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

37-005. Firearms Qualification Requirement.

Each law enforcement agency shall maintain proof of completion of a firearms qualification program and keep on file, available for inspection, proof that the firearms qualification program was administered by an Academy accredited firearms instructor.

37-006. Certification.

Certification will occur upon the successful completion of the prescribed training course as set out in 37-007. No candidate may be certified in more than one class at any one time and certification shall be that required for the most recent employing agency.

37-007. Training Requirements for Basic Law Enforcement Certification.

A. Class 1 Certifications.

1. Candidates for basic certification as law enforcement officers with full powers shall successfully complete a training program as approved by the Council and will be certified as Class 1-LE.

2. Candidates for basic certification as both law enforcement officers with full powers and as local detention facility officers (jailers) shall successfully complete the requirements to be certified as Class 1-LE and Class 2-LCO and will be certified as Class 1-LECO.

B. Class 2 Certifications.

1. Candidates for basic certification as local detention facility officers (jailers) shall successfully complete a training program as approved by the Council and will be certified as Class 2-LCO.

2. Candidates for basic certification as correctional officers with the Department of Corrections shall successfully complete a training program as approved by the Council and will be certified as Class 2-SCO.

3. Candidates for basic certification as juvenile correction officers with the Department of Juvenile Justice shall successfully complete a training program as approved by the Council and will be certified as Class 2-JCO.

C. Class 3 Certifications.

Candidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Council and will be certified as Class 3-SLE.

37-008. Equivalent Training.

A. Other States.

All candidates who have received law enforcement training in other states shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

B. Federal Training.

All candidates who have received law enforcement training with U.S. federal agencies shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

C. Military Training.

All candidates who have received law enforcement training as U.S. military police shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

D. Prior Training with Break in Service.

1. All certification lapses when an individual terminates active law enforcement duty.
2. A candidate with a break in service of less than one year will be re-certified by the Academy upon receiving a request by his department and upon providing proof of no disabilities at law.
3. A candidate with a break in service of one year but less than three years will be re-certified upon submission of the application with appropriate documents as set out in Section 23-23-60 and R.37-002.
4. A candidate with a break in service of three years or more must complete all the requirements of Section 23-23-60 and R.37-002, R.37-005 and R.37-006.
5. When a candidate becomes subject to new training requirements, as set forth in R.37-007, as a result of a transfer from one agency to another with different training requirements, the candidate must successfully complete the training requirements for the class of certification the candidate will occupy with the new agency.
6. A candidate who has been continuously certified in this state, in any class, and who transfers to a class in which he/she has been previously certified, will be certified in the prior class upon successful completion of the firearms qualification requirement.

37-009. Separation from Law Enforcement Employment.

A. All law enforcement agencies and other employers of law enforcement officers are required to notify the Academy when an officer leaves the employment of the agency/employer, regardless of the reason for the separation within 15 days of separation.

B. Such notification shall take place on a form as prescribed by the Council, contain the facts and circumstances leading to the separation, and be for the Academy and Council's confidential use and subsequent safekeeping.

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C. In the event that such notification contains allegations of misconduct, a copy of such notice shall be sent to the law enforcement officer and the officer shall be informed of the provisions of Section 23-23-90 and allowed to file a response for the Academy and Council's use and safekeeping.

D. A willful failure by law enforcement agencies and other employers of law enforcement officers to supply the facts and circumstances of separation shall subject the violator to a civil penalty as provided by law.

37-010. Reserve Police.

A. Definition.

In addition to the definition required by law, a "reserve" officer is not paid by the agency for which the officer performs law enforcement duties.

B. Documentation and Reporting.

1. Each agency having a reserve law enforcement officer program shall keep on file, available for inspection, all documentation required for regularly salaried law enforcement officers and as set out in R.37-002.

2. Each agency shall certify to the Academy, using a form prescribed by the Council, that such documentation is on file in the agency.

C. In-Service Requirement.

Each agency having a reserve law enforcement officer program shall keep on file, and make available for inspection, documentation that each reserve officer has completed the in-service requirement as required by law.

D. Transfers.

1. A reserve officer who desires to transfer to regular law enforcement status shall complete all the requirements as set forth by law and under R.37-008 as appropriate for the class of certification which the reserve officer will occupy.

2. A certified law enforcement officer who transfers to reserve status for a period of time not to exceed three years, shall be deemed to have no break in service as defined in R.37-008. Should the period of time exceed three years, the officer shall be deemed to have a break in service and shall complete all the requirements as set forth by law and under R.37-007, as appropriate for the class of certification which the reserve officer will occupy.

E. Operational Procedures.

Any law enforcement agency wishing to establish a Reserve Officer program must meet minimum department sponsored certification criteria as required by the Academy Standards Section.

37-011. Traffic Radar Operator.

A. Qualification.

Only Class 1 certified law enforcement officers and appointed reserve officers may be accredited as traffic radar operators.

B. Accreditation.

To be accredited as a traffic radar operator, a law enforcement officer must complete a course of training taught by a certified law enforcement traffic radar instructor.

37-012. Application for Re-certification.

An application for re-certification must be submitted on a form approved by the Council and is deemed complete when the form, with the necessary information as set out in R.37-013, is received by the Academy.

37-013. Continuing Law Enforcement Education Requirements for Re-certification.

A. Eligibility.

No law enforcement officer is eligible for re-certification unless, in addition to the requirements of R.37-012, the officer has successfully completed, at a minimum, the number of approved continuing law

enforcement education hours as appropriate for the officer's certification class, as specified in R.37-007. Such education hours shall be designated as Continuing Law Enforcement Education (CLEE) hours in the context of these regulations.

B. Class 1 Re-Certification Requirements:

1. Officers possessing a current Class 1-LE Certification shall be required to obtain forty CLEE hours in a three year period. The forty CLEE hours shall consist of at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period. The remaining required CLEE hours in the three year period may come from any source approved by the Academy.

2. Officers possessing a current Class 1-LECO certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Academy. Each officer shall also be required to complete at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period.

C. Class 2 Re-certification Requirements:

1. Officers possessing a current Class 2-LCO Certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Academy.

2. Officers possessing a current Class 2-SCO Certification shall be required to complete a Academy approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

3. Officers possessing a current Class 2-JCO Certification shall be required to complete a Academy approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

D. Class 3 Re-certification Requirements:

Officers possessing a current Class 3 Certification shall be required to complete at least one legal update course, presented by the Academy, each year of the three year period.

37-014. Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements.

A. The Academy shall approve courses for CLEE hours toward officer re-certification upon application made on a form approved by the Academy and containing the following information concerning the courses:

1. The name of the course sponsor and its address;
2. The course agenda showing the actual number of hours of instruction;
3. A listing of course faculty with educational and professional credentials for each faculty member;
4. A copy of the course written materials, including a lesson plan and any test instruments which will be used;
5. Any supporting material which the course offeror wishes to submit for the Academy's consideration.

B. The Academy shall maintain a listing of courses which are approved for CLEE hours towards officer re-certification and shall indicate after each course the number of CLEE hours for which the course is approved. The listing shall be updated on an annual basis.

C. Courses, once approved, shall be added to the listing maintained by the Academy. In order to receive continuing approval for course offerings, the offeror of each course must provide, on each successive second anniversary of the course's being placed on the listing, an updated application form and supporting documentation as stated in paragraph (A) of this section. Failure to comply with this requirement shall result in the course being removed from the listing and having its approval withdrawn.

37-015. Extension of Certification Renewal Date.

A certified law enforcement officer who is unable to complete the requirements of R.37-013 within the three year period specified will be granted an extension to his/her renewal date in the following cases:

A. Military Leave.

Any officer called to active military duty for a period of more than thirty consecutive days shall be granted an extension to his/her renewal date, as specified in Section 23-23-60(C) of the South Carolina Code of Laws, for the duration of the active duty, plus ninety days.

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B. Medical Disability or Administrative Leave.

1. Any officer who is on disability leave, medical leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, with or without pay, for a period of more than thirty consecutive days, shall be granted an extension to his/her renewal date, as specified in Section 23-23-60(C) of the South Carolina Code of Laws, for the duration of the leave, provided such extension does not exceed one year.

2. Any officer on medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, for a period of one year or more shall be treated under R.37-008(C)(3) or (4).

C. Eligibility and Application for Extension of Renewal Date.

1. Only officers whose law enforcement responsibilities have been suspended will be eligible for an extension of renewal date.

2. Application by the employing agency for an extension of renewal date shall be made within forty-five days of the beginning of military leave, medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, on a form prescribed by the Council.

3. Notification by the employing agency of a return to active law enforcement duty shall be made within fifteen days of return to active law enforcement duty on a form prescribed by the Council.

37-016. Withdrawal of Certification of Law Enforcement Officers.

A. A law enforcement officer, certified pursuant to the provisions of R.37-007 and R.37-008, shall have his or her certification as a law enforcement officer withdrawn by the Council upon the occurrence of any one or more of the following events:

1. The officer is found to have falsified any application for certification and training based upon which the officer was admitted for training.

2. The officer is found to be ineligible for service as a law enforcement officer because of his or her failure to meet prerequisite qualifications for training and certification, as set by law, even though such ineligibility is not discovered until after the officer's initial certification.

3. The officer is convicted of a criminal offense under the law of any jurisdiction which would, by the laws of this State, disqualify the officer from obtainment of certification as provided for in R.37-007 and R.37-008.

4. Evidence satisfactory to the Council that the officer has engaged in misconduct. For purposes of this section, misconduct means:

a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, or a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;

b. Unlawful use of a controlled substance;

c. The repeated use of excessive force in dealing with the public and/or prisoners;

d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

e. Physical or psychological abuse of members of the public and/or prisoners;

f. Misrepresentation of employment-related information;

g. Dishonesty with respect to his/her employer;

h. Untruthfulness with respect to his/her employer;

i. Violations of criminal law resulting from administrative inquiries.

Provided however that in considering whether to withdraw certification based on misconduct, the Council may consider the seriousness, frequency and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

B. The officer's certification expires due to the officer's failure to meet re-certification requirements as set out in R.37-013.

37-017. Reporting of Events Requiring Withdrawal of Certification.

A. It shall be the responsibility of the sheriff or the chief executive officer of every law enforcement agency or department within the State to report to the Academy the occurrence of any event or series of events, set forth in R.37-016 which requires the withdrawal of certification of a law enforcement officer who is currently or was last employed by his or her agency.

B. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Council.

C. A willful failure to report information shall subject the violator to a civil penalty as provided by the Council.

D. Only events which are determined as founded by the department or agency shall be reported as provided herein above.

37-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.

A. Upon receipt of a report pursuant to R.37-017(A), the Council shall initiate an investigation into reported events which may require withdrawal of the law enforcement officer's certification.

B. The Director and/or Council may suspend the certification of any law enforcement officer pending the outcome of an investigation initiated pursuant to paragraph (A) above.

C. A law enforcement officer who is the subject of an investigation shall be notified of its initiation on a form prescribed by the Council, sent by certified mail to the current address on file at the Academy, return receipt requested, as soon as practicable after the investigation is initiated.

D. Duplicate of such notice shall be sent, in the same manner prescribed in paragraph (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

E. The Council may direct that the investigation, on its behalf, be conducted. The investigation shall be sent to the Council for its confidential use and review.

F. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is not warranted, the Council shall notify the law enforcement officer and the sheriff or chief executive officer of the employing law enforcement agency of its finding, in accordance with the notice provisions of paragraph (C) and (D) above.

G. Where the Council's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, the Council shall proceed in accordance with R.37-019.

37-019. Notification of Withdrawal of Certification.

A. Prior to the withdrawal of a law enforcement officer's certification pursuant to R.37-016, the Council shall notify the officer whose certification is to be withdrawn on a form prescribed by the Council sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer.

B. Such notice shall be provided to the officer ten days in advance of the effective date of withdrawal of the certification.

C. Duplicate of such notice shall be sent in the same manner as in paragraph (A) above, to the current sheriff or the chief executive officer of the law enforcement agency or department of the law enforcement officer.

37-020. Confidentiality of Notification.

All notifications to law enforcement officers and their respective employing law enforcement agencies pursuant to R.37-017, R.37-018, and R.37-019 shall be handled in a confidential and sensitive manner.

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37-021. Law Enforcement Emergency Vehicle Training Requirement.

A. Every agency which employs one or more law enforcement officers who uses emergency vehicles shall make provision for the training set out in R.37-022 as appropriate for each such officer's law enforcement duty requirements prior to any such officer's certification as qualified by the Council.

B. Officers holding valid certification on the effective date of these regulations must successfully complete the training set out in R.37-022, as is appropriate for such officer's law enforcement duty requirements within 180 days of such date.

37-022. Law Enforcement Emergency Vehicle Training Requirement.

A. Non-Emergency Response Training.

1. Every law enforcement officer who drives or operates an emergency vehicle shall successfully complete a course of instruction as approved by the Academy relating to non-emergency operation of the law enforcement emergency vehicle.

2. Every law enforcement agency required to make provisions for the training prescribed in R.37-022(A)(1) and shall promulgate written policy and procedure concerning non-emergency vehicle response, consistent with the provisions of the course of instruction as approved by the Academy, which shall be included as part of the training provided to its officers.

B. Emergency Response Training.

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in response to an emergency, as defined in these regulations, shall successfully complete a course of instruction as approved by the Academy relating to emergency response operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.37-022(B)(1) shall promulgate written policy and procedure concerning emergency response with the law enforcement emergency vehicle, consistent with the provisions of the course of instruction as approved by the Academy, which shall be included as part of the training program provided to its officers.

C. Pursuit Training.

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in pursuit of an actual or suspected violator of the law, as defined in these regulations, shall successfully complete a course of instruction as approved by the Academy relating to pursuit operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.37-022(C)(1) shall promulgate written policy and procedure concerning pursuit operation of the law enforcement emergency vehicle, consistent with the provisions of the course of instruction as approved by the Academy which shall be included as a part of the training program provided to its officers.

37-023. Notification of Training Compliance.

A. Every agency required to conduct training pursuant to R.37-022 shall provide proof of completion of the required training programs, including appropriate instruction in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.37-022.

B. A law enforcement officer who transfers from one agency to another shall be required to successfully complete the training program appropriate for the agency to which transfer has occurred, in accordance with R.37-022. Provided, however, that an officer who has successfully completed a training program pursuant to R.37-022 within a period of one year of the date of transfer to another agency, where the successfully completed program is appropriate for the officer's law enforcement duty with the agency to which transferred, shall not be required to complete another training program upon such a transfer, but rather the employing agency to which transferred shall provide appropriate instruction to the transferred officer in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.37-022. This training shall be reported to the Academy as required in R.37-023(A).

37-024. Continuing Training Requirement.

A. The training required by R.37-022 shall be conducted on a continuing basis no less frequently than annually. Every agency shall report, on the form prescribed by the Academy, the provision of appropriate training on or before the expiration of the current certification. Nothing in these regulations shall be construed to prohibit such training on a basis more frequently than annually.

B. Officers successfully completing appropriate required emergency vehicle training shall be provided CLEE hours in accordance with R.37-013 appropriate for the number of hours of instruction received.

37-025. Approval of Training Programs.

A. All agencies required to conduct training programs pursuant to R.37-022 shall, prior to initiation of the required training, submit training materials as required by the Academy for review and approval.

B. CLEE hours shall be awarded only for materials properly submitted and approved by the Academy.

37-026. Equivalent Law Enforcement Emergency Vehicle Training.

Training provided by other states, the federal government or private training providers, will be evaluated in a fashion consistent with the provisions of R.37-008. In each instance where an agency or officer submits a request for credit for equivalent training, the employing agency must provide verification that appropriate instruction in the written policies and procedures of the agency has occurred, in accordance with the directives of R.37-023(B) regarding transferred officers.

37-027. Effect of Failure to Comply.

A. Any agency which willfully fails to comply with the directives of R.37-021 through 37-026, shall be subject to a civil penalty as provided by law.

B. Any law enforcement officer found not to be in compliance with the directives of R.37-021 through 37-026, shall have his or her certification as a law enforcement officer withdrawn in accordance with R.37-026(A)(2) and his or her authority to exercise law enforcement powers shall cease, and the officer's certification shall be deemed to have lapsed.

37-028. Definitions.

A. For purposes of R.37-001 – 37-028, the following definitions shall apply:

1. "Agency" means local government or public safety agency employing law enforcement officers.
2. "Director" means the Director of the South Carolina Criminal Justice Academy.
3. "Academy" means the South Carolina Criminal Justice Academy.
4. "Council" means the Law Enforcement Training Council.

B. For purposes of R.37-021 and 37-022, the following definitions shall apply:

1. "Emergency" means a sudden or unexpected occurrence involving an imminent threat to human life or immediate potential for extreme property damage under conditions requiring immediate response to curtail imminent harm to human life.

With respect to the suspected commission of a criminal offense and law enforcement response to such offense, the classification of the crime as felony or misdemeanor shall not be the sole determinative factor of whether an emergency is present; but rather all known factors, in accordance with the first paragraph above, will be weighed in a determination of whether an emergency exists.

2. "Non-Emergency" means a situation involving conditions routinely encountered in line of law enforcement duty which does not pose an imminent threat to human life or immediate potential for extreme property damage which would require immediate response to curtail harm to human life.

3. "Pursuit" means a event involving a law enforcement officer attempting to apprehend a person in a motor vehicle while that person is trying to avoid capture by willfully failing to yield to the officer's signal to

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stop. It also includes the closing of the distance between a law enforcement vehicle and the violator's vehicle under circumstances where the violator is not yet aware of the law enforcement action.

4. "Emergency Response" means the driving of a law enforcement emergency vehicle by a law enforcement officer in response to an emergency, as defined herein, where the response is conducted in accordance with state law and department policy.

5. "Non-Emergency Response" means the driving of a law enforcement emergency vehicle by a law enforcement officer in response to a non-emergency, as defined herein. This response involves operation of the law enforcement emergency vehicle in all modes other than emergency response or pursuit mode.

6. "Law Enforcement Emergency Vehicle" means a motor vehicle, as defined by the laws of this state, whether marked or unmarked, used by a law enforcement agency in the conduct of law enforcement operations, in accordance with state law and department policy.

ARTICLE 3

E-911 SYSTEM

37-060. Definitions.

- A. "Operator" means a telecommunications operator or dispatcher employed in an E-911 system.
- B. "Agency" means local government or public safety agency employing operators.
- C. "Director" means the Director of the South Carolina Criminal Justice Academy.
- D. "Academy" means the South Carolina Criminal Justice Academy.
- E. "Council" means the Law Enforcement Training Council.

37-061. Minimum Requirements for E-911 Operator Enrollment in Training.

A. All agencies having operators as candidates for training and certification shall submit to the Academy, the following:

- 1. an application under oath in a format prescribed by the Council;
- 2. evidence satisfactory to the Council that the candidate possesses a high school diploma or equivalent recognized and accepted by the South Carolina Department of Education;
- 3. evidence satisfactory to the Council that the candidate's present age is not less than eighteen years;
- 4. evidence satisfactory to the Council that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.

B. Nothing in this regulation shall be construed to preclude any agency from establishing qualifications or standards for hiring that exceed these minimum standards.

37-062. Training Requirements for Certification.

A. Candidates for certification as operators shall successfully complete a prescribed course of training as approved by the Council and will be certified as Class 4-TCO.

B. Candidates employed as operators prior to June 27, 1997 may be certified without completing the training referenced in paragraph (A) above if the candidate has:

- 1. two years continuous employment as an emergency services dispatcher and no break in service of longer than six months; or
- 2. one year continuous employment as an emergency services dispatcher, no break in service of more than six months, and prior training accredited by the Academy, and the candidate successfully passes a comprehensive test as approved by the Director and administered by the Academy. No retest will be offered.

37-063. Break in Service after Certification.

- A. All certification lapses upon separation from employment.

B. Candidates with prior certification and a break in service of less than one year will be recertified upon a request by the employing agency, provided the agency produces evidence satisfactory to the Director that the candidate has not been convicted of any criminal offense that carries a possible sentence of more than one year.

C. Candidates with prior certification and a break in service of more than one year must meet the requirements of 37-061 and 37-062(A).

37-064. Separation from Employment.

Agencies shall notify the Academy of the separation from employment of any certified operator. If the separation is a result of the conviction for a criminal offense carrying a possible sentence of more than one year, such conviction shall be reported to the Academy. All reports shall take place on a form approved by the Director.

37-065. Cost of Training.

The cost of training shall be established by the Academy. Agencies shall forward an authorized purchase order for this amount with each application for training.

ARTICLE 5

ADJUDICATION OF MISCONDUCT ALLEGATIONS

37-100. Probable Cause Determination by Director.

A. Upon receipt of a report pursuant to R.37-009, R.37-017, and/or conclusion of an investigation pursuant to R.37-018, the Director shall determine if probable cause exists to believe the candidate/officer/operator has committed misconduct as defined by R.37-004, R.37-016, and/or R.37-062.

B. If the Director determines probable cause does not exist, the candidate/officer/operator shall be notified of this determination on a form prescribed by the Council, sent by certified mail to the candidate/officer/operator's address currently on file at the Academy, return receipt requested, as soon as practicable after the determination has been made. It is the responsibility of every candidate/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

C. If the Director determines probable cause does exist, the candidate/officer/operator shall be notified of this determination, sent by certified mail to the candidate/officer/operator's address currently on file at the Academy or to the candidate/officer/operator's counsel, return receipt requested, as soon as practicable after the determination has been made. It is the responsibility of every candidate/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section. In the event the Director determines probable cause does exist, the candidate/officer/operator shall be informed of the provisions of R.37-101 and be allowed to file a request for contested case hearing on a form prescribed by the Council.

D. Duplicate of such notice shall be sent, in the same manner as prescribed in paragraphs (B) or (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

37-101. Request for Contested Case Hearing.

A. Any candidate/officer/operator whom the Director has determined probable cause exists to believe has committed misconduct as defined by R.37-004, R.37-016, and/or R.37-062 may request a contested case

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hearing. A request for contested case hearing must be served on the Director within thirty (30) days after receipt of the written notice provided for in R.37-100.

B. A request for contested case hearing under this section must satisfy Rule 262(a), SCACR and Rule 263, SCACR.

37-102. Failure to Request Contested Case Hearing.

Any candidate/officer/operator notified pursuant to R.37-100(C) who fails to request a contested case hearing pursuant to R.37-101, shall have a judgment by default made against him/her and the Council may immediately proceed with determining a final agency action.

37-103. Prosecution and Docketing.

A. When a candidate/officer/operator has requested a contested case hearing pursuant to R.37-101, the Academy shall handle the prosecution of the claim during the contested case hearing as provided below.

B. Upon receipt of a request for contested case hearing pursuant to R.37-101, the Director shall assign a docket number to the case.

37-104. Discovery.

A. Any party to a contested case hearing requested pursuant to R.37-101 may engage in discovery only as allowed by this section or the Administrative Procedures Act.

B. Discovery shall be conducted pursuant to Rules 26-37, SCRCP, except:

1. Requests for Admission pursuant to Rule 36, SCRCP are not allowed;

2. Interrogatories pursuant to Rule 33, SCRCP shall be limited to twenty-five (25) interrogatories. In determining the number of interrogatories subparts shall be included, but the standard interrogatories contained in Rule 33(b), SCRCP shall not be included;

3. Physical and mental examinations pursuant to Rule 35, SCRCP do not need to meet the \$100,000 amount in controversy;

4. No more than three (3) depositions may be taken by either party unless the parties consent, with specificity, in writing, to the taking of additional depositions.

C. All discovery must be concluded at least thirty (30) days prior to the contested case hearing provided for in R.37-105.

37-105. Contested Case Hearing.

A. The contested case shall be held upon thirty (30) days notice to the candidate/officer/operator.

B. The contested case hearing shall conform to Rule 43(a), (c)(1), (d), (e), (f), (h), (i), SCRCP, except, counsel is not required to stand during examination.

C. Subpoenas may be issued by the candidate/officer/operator or the Academy to compel attendance and/or production of evidence at the contested case hearing so long as the subpoena complies with Rule 45, SCRCP and is on a form prescribed by the Council.

D. During the contested case hearing the candidate/officer/operator is entitled to cross examine witness presented against him/her and is entitled to present evidence. The candidate/officer/operator is not required to present evidence during the hearing.

E. The contested case hearing shall follow the format of:

1. Opening Statement by the Academy;

2. Opening Statement by candidate/officer/operator;

3. Presentation of case in chief by the Academy;

4. Presentation of case in chief by the candidate/officer/operator;

5. Rebuttal evidence as appropriate;

6. Closing Argument by the Academy; and

7. Closing Argument by candidate/officer/operator.

F. The hearing officer may accept evidence that conforms to Rule 6, SCRCrim.P. All other evidence accepted by the hearing officer shall conform to the South Carolina Rules of Evidence, unless otherwise agreed to by the parties.

G. All testimony must be presented under oath.

H. All documentary evidence accepted shall be numbered and labeled "State" or "Respondent" as appropriate.

I. The contested case hearing shall be documented by a court reporter.

J. Any objections during the contested case hearing shall be ruled on by the hearing officer.

K. In order for a candidate/officer/operator to have a recommendation made against them finding they did commit misconduct pursuant to R.37-004, R.37-016, and/or R.37-062, the hearing officer must find misconduct has been proven by a preponderance of the evidence.

L. The hearing officer shall issue a recommendation to the Council based on the evidence accepted during the hearing. The recommendation must include the following:

1. Recommended Findings of Fact;
2. Recommended Conclusions of Law; and
3. If appropriate, recommended sanction pursuant to R.37-108.

M. A copy of the hearing officer's recommendation to the Council shall be provided to the candidate/officer/operator, sent by certified mail to the candidate/officer/operator's address currently on file at the Academy or to the candidate/officer/operator's counsel, return receipt requested, as soon as practicable after the recommendation has been issued. It is the responsibility of every candidate/officer/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/officer/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

N. Duplicate of such notice shall be sent, in the same manner as prescribed in paragraph (M) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

37-106. Failure to Appear at the Contested Case Hearing.

A. Any candidate/officer/operator notified pursuant to R.37-105(A) who fails to appear at the contested case hearing, shall have a judgment by default made against them by the hearing officer, shall have waived their right to present evidence at the contest case hearing, and the hearing officer shall not be required to issue a recommendation pursuant to R.37-105(L). Additionally, when the candidate/officer/operator notified pursuant to R.37-105(A) fails to appear at the contested case hearing, the Council may immediately proceed with determining whether the candidate/officer/operator committed misconduct pursuant to R.37-004, R.37-016, and/or R.37-062 and, if misconduct has been committed, a sanction pursuant to R.37-108 for the misconduct. When the candidate and/or law enforcement officer notified pursuant to R.37-105(A) fails to appear, the evidence submitted to the Council shall not be required to conform to the Rules of Evidence.

37-107. Final Decision by Law Enforcement Training Council.

A. All Council members shall be provided with a complete transcript of the contested case hearing, copies of all exhibits accepted into evidence during the contested case hearing, and a copy of the hearing officer's recommendation.

B. A quorum of the Council must be present for final agency decision to be made. A simple majority vote of the quorum of Council members present shall be binding for a final decision issued pursuant to R.37-107(D).

C. In order for a candidate/officer/operator to have a final decision issued finding that they did commit misconduct pursuant to R.37-004, R.37-016, and/or R.37-062, the Council must find misconduct has been proven by a preponderance of the evidence.

D. The Council shall issue a final decision based on the evidence accepted during the contested case hearing and the applicable statutes and regulations. The Council may consider the hearing officer's recommendation.

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The Council's final decision must include the following:

1. Findings of Fact;
2. Conclusions of Law; and
3. If appropriate, sanction(s) pursuant to R.37-108.

The Council may adopt the hearing officer's recommendation as the Council's final decision.

E. The Council may refer the matter back to the hearing officer for further proceedings or may order further evidentiary proceedings before the Council.

F. A copy of the Council's final decision shall be provided to the candidate/officer/operator, sent by certified mail to the candidate/officer's address currently on file at the Academy or to the candidate/officer's counsel, return receipt requested, as soon as practicable after the final decision has been issued. The candidate/officer/operator shall be informed of his/her right to appeal the Council's final decision pursuant to Sections 1-23-380(B) and 1-23-600(D) of the South Carolina Code of Laws. It is the responsibility of every candidate/officer/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/officer/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

G. Duplicate of such notice shall be sent, in the same manner as prescribed in paragraph (F) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

37-108. Sanctions.

A. If any candidate/officer/operator is found by a preponderance of the evidence to have committed misconduct as defined by R.37-004, R.37-016, and/or R.37-062, such candidate or law enforcement officer may be sanctioned by the Council as follows, in any combination:

1. Permanent denial and/or revocation (withdrawal) of certification;
2. Denial and/or revocation (withdrawal) of certification for a specified amount of time;
3. Certification granted with probation;
4. Certification granted with any additional requirements deemed just and proper by the Council; and/or
5. Public reprimand.

B. Any candidate/officer/operator may at any time voluntarily consent to sanctions under this section. Any such consent must:

1. Be in writing on a form prescribed by the Council;
2. Be signed by the candidate/officer/operator;
3. If the candidate/officer/operator has legal counsel at the time they consent to sanctions, then the candidate/officer/operator must be allowed to consult with their legal counsel regarding the consent to sanctions and the consent to sanctions must be signed by the legal counsel;
4. If criminal prosecution is declined in consideration of the consent to sanctions, then the consent to sanctions must specifically state the same;
5. Must be notarized; and
6. Must be approved by Council.

37-109. Recusal of Council Members and/or Director.

A. If a member of the Council filed the allegation of misconduct or is the current sheriff or chief executive officer of the employing agency or department of the candidate/officer/operator, that Council member shall recuse themselves from participating in any hearing, final agency decision, or consent agreement entered into after allegations of misconduct have been filed regarding the matter. That member of the Council shall also be prohibited from discussing the issue with other Council members or the Director, except as a witness or party, until after the Council has issued its final agency action and the time for appeal has lapsed or the appeal rights have been exhausted. These prohibitions should not be construed as prohibiting the filing of any documents as required or allowed under Chapter 23 of Title 23 or Chapter 37 of the South Carolina Code of Regulations.

B. If the Director filed the allegation of misconduct or is the chief executive officer of the employing agency of the candidate/officer/operator, then the Chairman of the Council shall make the determination as to whether probable cause exists pursuant to R.37-100. If the Chairman is disqualified pursuant to R.37-111(A), then the Vice-Chairman of the Council shall make the determination as to whether probable cause exists pursuant to R.37-100.

C. If the Chairman or Vice-Chairman of the Council makes the determination as to whether probable cause exists pursuant to R.37-100, they shall recuse themselves from participating in any hearing, final agency decision, or consent agreement entered regarding the matter after the probable cause determination. The Chairman or Vice-Chairman shall also be prohibited from discussing the issue with other Council members or the Director, except as a witness or party, until after the Council has issued its final agency action and the time for appeal has lapsed or the appeal rights have been exhausted. These prohibitions should not be construed as prohibiting the filing of any documents as required or allowed under Chapter 23 of Title 23 or Chapter 37 of the South Carolina Code of Regulations.

D. If any member of the Council or the Director has a personal relationship to the candidate/officer/operator or some other personal connection to the issue before them, then that Council member or the Director shall recuse themselves from participating in any hearing, final agency decision, or consent agreement entered into after allegations of misconduct have been filed regarding the matter. That member of the Council or the Director shall also be prohibited from discussing the issue with other Council members or the Director, except as a witness or party, until after the Council has issued its final agency action and the time for appeal has lapsed or the appeal rights have been exhausted. These prohibitions should not be construed as prohibiting the filing of any documents as required or allowed under Chapter 23 of Title 23 or Chapter 37 of the South Carolina Code of Regulations.

37-110. Right to be Represented by Counsel.

A. During all stages under R.37-100 through R.37-108, the candidate/officer/operator is entitled to be represented by legal counsel.

B. If the candidate/officer/operator is represented by legal counsel, a notice of such representation must be sent to the Director and to the agency alleging misconduct.

Filed: November 26, 2013 8:55am

Document No. 4441

**DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends through January 15, 2014, it is necessary to re-file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2013-14

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters

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to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Statewide Season Dates:

September 2 - October 5 (Sept 2-7 Afternoons only); November 23 - November 30; December 19 - January 15
Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 2 – October 5)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 60 acres. 1st season – Saturdays Only beginning Sept. 21. Sept. 7 is Youth Hunt Only. Sept. 14 is Wheelin Sportsmen Hunt and morning hunting will be allowed for this event only. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy - Crackerneck WMA - 40 acres. 1st season – Sept. 4 & 18; 2nd & 3rd seasons – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Clemson University - Fant's Grove WMA - 45 acres. 1st season, Saturdays –FIELD CLOSED OCT. 5. Open 2nd & 3rd seasons – Saturdays Only

*BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) - 60 acres. Sept. 7, 14; Oct. 5; Nov. 23

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) - 40 acres. Dove Hunting Only - Sept. 7, 14; Oct. 5; Nov. 23.

CHARLESTON

Botany Bay Plantation WMA - 70 acres. All hunts are Youth Only see Youth Hunt List for details.

CHEROKEE

Gaffney Board of Public Works - 20 acres. Saturdays Only. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms - 30 acres. 1st season - Saturdays Only. 2nd & 3rd seasons - Open Mon. – Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field - 54 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field - 30 acres. 1st season – Sept. 7 and Wednesdays Only, beginning Sept. 18.
2nd & 3rd seasons – Open Mon. – Sat.

*CLARENDON

SC Forestry Commission - Oak Lea WMA - 102 acres. Sept. 7, 14, 21; Jan. 4 & 11. **Sept. 7 participants selected by drawing.

COLLETON

DNR - Donnelley WMA - 80 acres. Sept. 7, 14, 21; Nov. 30. During 3rd season Open Wednesdays and Saturdays.

DARLINGTON

DeWitt Property - 50 acres. 1st, 2nd, and 3rd Seasons – Saturdays Only, Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA - 60 acres. 1st, 2nd, and 3rd Seasons. Saturdays Only – Dove Hunting Only. **Sept. 7 participants selected by drawing.

GEORGETOWN

DNR Samworth WMA - acres. Sept. 7, 14; Oct. 5; Nov. 23; Dec. 21

***HAMPTON**

DNR - Webb Wildlife Center - 30 acres. Sept. 7 & 14; Oct. 5; Nov. 23.

LAURENS

DNR Cliff Pitts WMA - 10 acres. 1st season Saturdays, 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field - 47 acres. 1st, 2nd, and 3rd seasons -Saturdays Only, Dove Hunting Only

MARLBORO

DNR - Lake Wallace WMA - 50 acres. 1st, 2nd, and 3rd seasons Saturdays Only - Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Work Center Field – 40 acres. Sept. 7 & 18; Oct. 2; Nov. 27, Jan. 1 & 11 only, Dove Hunting Only.

Must sign-in & out @ 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field - 22 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields - 30 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field - 60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. -Sat.

U.S. Forest Service – Little River Fields - 13 acres. Sept. 7 NWTF Women in the Outdoors Hunt ONLY . Beginning Sept. 9 - Monday through Saturday during the statewide dove season.

NEWBERRY

SCDOT McCullough Field - 30 acres. Saturdays Only Beginning Sept. 14, Dove Hunting Only Sept. 7 is Youth Hunt Only.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center - 18 acres. 1st and 2nd seasons - Saturdays Only, 3rd season – Closed. Dove hunting only.

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U.S. Forest Service – Long Creek Tract – 20 acres. In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. 1st season – Saturdays only, 2nd season – Open November 23 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres

Open 1st, 2nd & 3rd seasons - Saturdays Only

(864) 654-1671 ext. 16

*ORANGEBURG

Santee Cooper - Santee Cooper WMA - 45 acres. Entire WMA under Dove Area Regulations. Sept. 7 is Youth Hunt Only. Sept. 14; Oct. 5; Nov. 23; Jan. 4.

PICKENS

DNR Property - 40 acres. Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 7. Dove Hunting Only

Clemson University - Gravely WMA - Causey Tract - 25 acres. Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 7.

DNR Property – Jocassee Gorges – Cane Creek Field – 14 acres. Wednesday Only, Beginning Sept. 18.

SPARTANBURG

Santee Cooper - 15 acres. 1st season – Saturdays only. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field - 15 acres. Saturdays only. Dove hunting only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 – 50 acres. Sept. 7 is Youth Hunt Only. 1st, 2nd & 3rd seasons – Saturdays Only.

Bird Haven Field –25 acres. 1st season, 2nd & 3rd seasons – Saturdays Only.

Tuomey Fields (Field A and Field B) –Field A on Right (93 acres). Field B on Left (36 acres). Sept. 7 participants selected by drawing.

1st, 2nd & 3rd seasons – Saturdays Only.

Turner Field - 10 acres. 1st, 2nd & 3rd seasons – Saturdays Only.

Mary Williams Field - 29 acres. 1st, 2nd & 3rd seasons – Saturdays Only.

Avin Field - 12 acres. 1st, 2nd & 3rd seasons – Saturdays Only.

Brunson Field - 23 acres. 1st, 2nd & 3rd seasons – Saturdays Only.

UNION

DNR Thurmond Tract - 15 acres. 1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat.

Sedalia (U.S. Forest Service) - 15 acres. 1st season – Saturdays. 2nd & 3rd seasons - Open Mon. - Sat.

US Forest Service - Herbert Field - 35 acres. 1st season Saturdays - Beginning Sept. 14, Sept. 7 is Youth Only, 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract - 45 acres (two fields). 1st season –Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat. **
Sept. 7 participants selected by drawing.

York County – Worth Mountain WMA - 40 acres planted. 1st season – Saturdays only, 2nd & 3rd seasons Open
Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Power of Partnerships Field, September 7 – No pre-registration required.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA Sept. 7, 14; Nov. 23; Dec. 21; Jan. 11. No pre-registration required.

NEWBERRY COUNTY YOUTH HUNT

SCDOT – McCullough Field, September 7 – No pre-registration required.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 7 – No pre-registration required.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1. September 7 – No pre-registration required.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Herbert Field. September 7 – No pre-registration required.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 7 – No pre-registration required.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation, it is necessary to file Dove Field regulations annually. Because these hunts begin on September 2, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

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Document No. 4442

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-740, 50-11-10, 50-11-65, 50-11-120, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-510, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40, 123-52 and 123-53. 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. Because the hunting seasons on many of these areas extends through January 1 it is necessary to re-file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 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:

A. Game Zone 1

1. Other WMAs

(d) Still Gun Hunts for Deer (no dogs).

(ii) Total of 7 ~~5~~ deer for all ~~gun hunts~~ methods combined. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.

2. Glassy Mountain Archery Only Area – Chestnut Ridge Heritage Preserve

(a) Archery Only Hunts for Deer (no dogs).

(i) Oct. 1 – ~~Oct. 16, Oct. 31~~— Jan. 1

B. Game Zone 2

1. Other WMAs

(c) Primitive Weapons for Deer (no dogs).

(ii) Total of 2 deer, 2 per day, for primitive weapons hunt.

(d) Still Gun Hunts for Deer (no dogs).

(ii) Total of ~~4~~ 5 deer for all ~~gun hunts~~ methods combined. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.

2. Keowee WMA

(e) Hogs and Coyotes

(ii) No hog hunting with dogs ~~except during special designated hog hunts with dogs and during the party dog hunts for bear.~~

3. Draper WMA

(a) Archery Only Hunts for Deer (no dogs)

(i) Sept. 15 – Sept. 30, Mon. after Thanksgiving – 3rd Sat. after Thanksgiving.

(ii) Total 3 deer for all archery only hunts, 2 per day, either-sex.

(b) Archery and Muzzleloader (no dogs)

(i) Oct. 1 – Oct. 10

- (ii) Total of 2 deer
- (iii) Muzzleloaders, buck only, except either-sex on days specified in Reg. 4.2. Archery either-sex.
- (c) Still Gun Hunts for Deer (no dogs)
 - (i) Oct. 11 – Sat. after Thanksgiving, 3rd Mon. after Thanksgiving – Jan. 1.
 - (ii) Total of 10 deer for all gun hunts. 2 deer per day, buck only except either-sex on days specified in Reg. 4.2. Archery either-sex during entire period.
- ~~(a)~~(d) Quail Hunts
 - (i) 1st and 2nd Sat. in Dec., 3rd and 4th Wed. in Dec., 1st and 2nd Wed. and Sat. in Jan.
 - (ii) 10 quail per day.
 - (iii) Sunrise until 4:00 PM.
- ~~(b)~~(e) Rabbit Hunts
 - (i) 1st Wed. after Thanksgiving, Wed. in Dec. prior to the 2nd Sat. in Dec., Wed. and Sat. in Jan. following the last scheduled quail hunt until Mar. 1.
 - (ii) 3 per day.
- ~~(e)~~(f) Other Small Game
 - (i) No hunting before Sept. 1 or after Mar.; otherwise Game Zone 2 seasons apply.
 - (ii) Game Zone 2 bag limit.
 - (iii) No open season on fox squirrels.
- (g) Data cards required for hunter access, except draw dove hunts. Completed cards must be returned daily upon leaving.

4. Fants Grove WMA

- (f) Hogs and Coyotes
 - (ii) No hog hunting with dogs ~~except during special designated hog hunts with dogs and during the party dog hunts for bear.~~

E. Game Zone 5

3. Longleaf Pine Heritage Preserve WMA

- (a) Total 2 deer for all hunts. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles. Individual Antlerless Deer Tags valid on days not designated as either-sex after Sept. 15.

4. Manchester State Forest WMA

- (k) Still Hog Hunts (no dogs)
 - (i) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.
 - (ii) 1st two full weeks in Mar.
 - (iii) No limit.
- (l) Hog Hunts with Dogs
 - (i) Handguns only.
 - (ii) Last two full weeks in Mar.
 - (iii) No more than 4 bay or catch dogs per party.
 - (iv) No live hogs removed from WMA.
 - (v) No limit.

12. Cartwheel Bay Heritage Preserve WMA

- (b) Archery Deer Hunts.
 - (i) Sept. 15—1st Sat. in Oct. 1 – Sept. 14
 - (ii) 2nd Mon. in Oct.—1st Sat. in Nov. Sept. 15 – Oct. 15
- (c) Small Game (no open season on fox squirrels).
 - (i) No small game hunting during scheduled deer or bear hunting periods.

13. Lewis Ocean Bay Heritage Preserve WMA

- (b) Archery Deer Hunts
 - (i) 1st Mon.— Sat. on or after Sept. 15, 1st Mon.— Sat. in Oct., 2nd Mon.— Sat. in Oct., 3rd Mon.— Sat. in Oct. Sept. 1 – Sept. 14
 - (ii) 1 deer per day, either sex buck only.
 - (iii) Sept. 15 – Oct. 15
 - (iv) 1 deer per day, either-sex

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(c) Archery and Muzzleloader Deer Hunts

(i) ~~4th Mon. in Oct. — following Sat., 2nd Mon. — Sat. in Nov. Oct. 16 – 23, Nov. 6 - 9~~

14. Little Pee Dee Complex WMA

(c) Archery Deer Hunts

(i) ~~Sept. 15 — last Sat. in Sept. 1 – Sept. 14~~

(ii) ~~Oct. 1 – 3rd Sat. in Oct., Sept. 15 – Oct. 15, Mon. after Dec. 15 – Jan. 1.~~

(d) Archery and Muzzleloader Deer Hunts

(i) ~~4th Mon. in Oct. — the following Sat. Oct. 16 - 23~~

(1) 1 deer per day, buck only

(ii) ~~1st Mon. in Nov. — the following Sat. Nov. 6 - 9~~

(1) 1 deer per day, either-sex

15. Waccamaw River Heritage Preserve WMA

(b) Archery Deer Hunts

(i) ~~2nd Mon. — Sat. in Oct., 3rd Mon. — Sat. in Oct. Sept. 1 – Sept. 14~~

(ii) 1 deer per day, ~~either sex~~ buck only.

(iii) Sept. 15 – Oct. 15

(iv) 1 deer per day, either-sex

(c) Archery and Muzzleloader Deer Hunts

(i) ~~4th Mon. — Sat. in Oct., 1st Mon. — Sat. in Nov. Oct. 16 – 23, Nov. 6 - 9~~

F. Game Zone 6

4. Webb WMA

(b) Still Gun Hunts for Deer (no dogs)

~~(iv) 1st firearm draw hunt of each season is antlerless only. No antlered bucks may be harvested.~~

(e) Still Hog Hunts (no dogs, no stalking or man drives)

~~(i) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~

~~(ii) 4th Thurs. — Sat. in Feb., 2nd and 3rd Thurs. — Sat. in May, 1st Thurs. — Sat. in Sept.~~

~~(iii) No limit.~~

(d) Hog Hunts with Dogs

~~(i) 1st Thurs. – Sat. in Mar., 2nd Thurs. – Sat. in Mar. May, 2nd Thurs. – Sat. in Sept.~~

~~(ii) No more than 4 bay or catch dogs per party.~~

~~(v) Hunters must sign register upon entering and leaving the Webb WMA.~~

~~(vi) Hog hunters are permitted to camp at Bluff Lake on nights prior to and during scheduled hog hunts only.~~

13. Palachucola WMA

~~(e) Still Hog Hunts (no dogs, no stalking or man drives)~~

~~(i) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~

~~(ii) 4th Thurs. — Sat. in Feb., 2nd and 3rd Thurs. — Sat. in May, 1st Thurs. — Sat. in Sept.~~

~~(iii) No limit.~~

(f) Hog Hunts with Dogs

~~(i) 1st Thurs. – Sat. in Mar., 2nd Thurs. – Sat. in Mar. May, 2nd Thurs. – Sat. in Sept.~~

~~(ii) No more than 4 bay or catch dogs per party.~~

~~(v) Hunters must sign register upon entering and leaving the WMA.~~

15. Waccamaw River Heritage Preserve WMA

~~(a) Still hunting only, no deer dogs, no buckshot, no hunting from vehicles. Total 2 deer per season. Hogs no limit.~~

~~(b) Archery Deer Hunts~~

~~(i) 2nd Mon. — Sat. in Oct., 3rd Mon. — Sat. in Oct.~~

~~(ii) 1 deer per day, either sex~~

~~(c) Archery and Muzzleloader Hunts for Deer~~

~~(i) 4th Mon. — Sat. in Oct., 1st Mon. — Sat. in Nov.~~

~~(ii) 1 deer per day, either sex~~

- (d) Still Gun Hunts for Deer (no dogs)
 - (i) ~~2nd Mon. in Nov. — 4th Sat. in Nov.~~
 - (ii) ~~1 deer per day, buck only~~
- (e) Still Hog Hunts (no dogs)
 - (i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~
 - (ii) ~~Mar. 1 — 20~~
 - (iii) ~~No limit. No bay or catch dogs.~~
- (f) Hog Hunts with Dogs
 - (i) ~~Mar. 21 — Fri. before the last Sat. in Mar.~~
 - (ii) ~~No more than 4 bay or catch dogs per party.~~
 - (iii) ~~No live hogs removed from WMA.~~
 - (iv) ~~Handguns only.~~
- (g) Raccoon Hunts
 - (i) ~~1st Wed. in Dec. — last Wed. in Feb. Wed. nights only.~~
 - (ii) ~~3 per party per night.~~
- (h) Small Game
 - (i) Gray squirrel
 - (1) ~~Thanksgiving Day — Mar. 1~~
 - (2) ~~Game Zone 6 bag limits.~~
 - (ii) Woodcock
 - (1) ~~Federal seasons~~
 - (2) ~~Federal bag limits~~

18. Hamilton Ridge WMA

- (d) Still Hog Hunts (no dogs, no stalking or man drives)
 - (i) ~~Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.~~
 - (ii) ~~4th Thurs. — Sat. in Feb., 2nd and 3rd Thurs. — Sat. in May, 1st Thurs. — Sat. in Sept.~~
 - (iii) ~~No limit.~~
- (e) Hog Hunts with Dogs
 - (i) ~~1st Thurs. — Sat. in Mar., 2nd Thurs. — Sat. in Mar. May, 2nd Thurs. — Sat. in Sept.~~
 - (ii) ~~No more than 4 bay or catch dogs per party.~~
- (g) Other Small Game (no fox squirrels)
 - (iv) Dove Hunting on designated public dove field only

GENERAL REGULATIONS

2.15 On WMA Lottery Hunts, any willful violation of a WMA regulation terminates the individual's privilege to use the WMA until the matter is finally resolved.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns, ~~or~~ drugged arrows, or arrows with exploding tips are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.3 On WMA lands big game hunters are not allowed to use military or hard-jacketed bullets or .22 or smaller rimfire. Shotguns with only buckshot or slugs are allowed. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, Moultrie, McBee, Edisto and Bonneau Ferry WMAs.

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WATERFOWL & DOVE REGULATIONS

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). ~~Hunters may not enter the area prior to 3:00 a.m. on hunt days.~~ No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.12 ~~Hunters may not enter Hatchery WMA prior to 3 AM and~~ On Hatchery WMA, hunters must leave the area by 1 PM. ~~On Hatchery WMA except on the last Saturday of waterfowl season when hunters may hunt until sunset.~~ Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing and accurately complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-31. Jan. No fishing allowed during scheduled waterfowl hunts.

10.20 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas. Hunters may not enter the areas prior to 5:00 am on hunt days.

123-52. Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6.

5. Individual Deer Tags: Individual Antlerless Deer Tags are not valid in Game Zone 1. Tags are valid in Game Zones 3 – 6 beginning Sept. 15 and in Game Zone 2 beginning Oct. 1. Individual tags are not valid on properties enrolled in the Antlerless Deer Quota Program. Tags do not alter the daily (2 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

Antlerless deer must be tagged immediately after harvest and before it is moved from the point of kill and the tag must be validated as prescribed by SCDNR.

6. Antlerless Deer Limits: Game Zone 1 – Archery and Muzzleloader period 2 per day, 2 Total (muzzleloader is buck only); Gun Hunt Period – 2 per day, Total 5 all methods combined (firearms is buck only except on either-sex days). Game Zone 2 – Archery Only Period 2 per day, Total 2; Archery and Muzzleloader Period 2 per day, Total 2 (muzzleloader is buck only except on either-sex day); Gun Hunt Period 2 per day, 5 Total all methods combined (Firearms is buck only except on either-sex days or with Individual Tags). Game Zones 3 – 6, 2 per day on either-sex days or with individual tags.

123-53. Bear Hunting Rules and Seasons

1. The open season for taking bear by special draw hunt in Georgetown County, Horry County and Williamsburg County on private and WMA land is October 24 – November 5.

2. Legal weapons include archery equipment, muzzleloaders (.36 caliber or greater), centerfire rifles, centerfire handguns and shotguns with slugs or buckshot.

3. The orange permit must be displayed in a visible location on the dash of the vehicle while the person is actively bear hunting.

4. Harvested bear must be reported to SCDNR by telephone within 12 hours of the kill.

5. All persons drawn for the hunt must submit a harvest report, regardless if a bear was harvested or not, no later than 7 days after the close of the season and return the unused tag.

Statement of Need and Reasonableness:

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as

well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts begin on September 1, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40, 123-52 and 123-53 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.

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Document No. 4416

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2014 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Document No. 4415

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 23, 2013.

Instructions:

Replace R.27-1022 with the following amendment.

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Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2014 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 4387

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Synopsis:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 51, 52, 60 and 63 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding state implementation plan (SIP) requirements, New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

The Department has amended Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of Volatile Organic Compounds (VOCs) promulgated by the federal rule "Revision to Definition of Volatile Organic Compounds-Exclusion of trans-1,3,3,3-tetrafluoropropene" (77 FR 37610, June 22, 2012). The Department also amended Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to incorporate a provision in the definition of "Regulated NSR Pollutant," as required by the federal rule "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}): Amendment to the Definition of "Regulated NSR Pollutant" Concerning Condensable Particulate Matter" (77 FR 65107, October 25, 2012). Additionally, the Department amended Regulations 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to

incorporate by reference recent federal amendments promulgated during the period from January 1, 2012, through December 31, 2012.

The Department also made changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. Pursuant to S.C. Code Section 1-23-120(H)(1), the amendments are not more stringent than current federal requirements and thus do not require legislative review.

The Notice of Drafting was published in the *State Register* on May 24, 2013. The Notice of Proposed Regulation was published in the *State Register* on August 23, 2013.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1, Definitions and General Requirements, Section I:
Definition 96, Volatile Organic Compound (VOC), is amended to add “HFO-1234ze (trans-1,3,3,3-tetrafluoropropene)” to the list of chemicals that are excluded as VOCs.

Regulation 61-62.2, Prohibition of Open Burning

Regulation 61-62.2, Prohibition of Open Burning, Section I:
Paragraph D is amended to reformat the text “*Smoke Management Guidelines for Vegetative Debris Burning Operations in South Carolina*” to remove italics per regulation drafting guidelines.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Section VII:
Paragraph (b)(2)(iii)(B) is amended to add the word “paragraph” before the text “(a)(3)” for clarity and consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Section VII:
Paragraph (b)(3)(iii)(B) is amended to add the word “paragraph” before the text “(a)(3)” for clarity and consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Section VII:
Paragraph (b)(4)(iii)(B) is amended to add the word “paragraph” before the text “(a)(3)” for clarity and consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Section VIII:
Paragraph (c)(3) is amended to add the word “paragraph” before the text “(c)(2)” for clarity and consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Section VIII:
Paragraph (c)(5) is amended to add the word “paragraph” before the text “(c)(2)” for clarity and consistency.

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Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI), Appendix B:

STEP 5. is amended to add the text “scfs = standard cubic feet per second” and “acfs = actual cubic feet per second” to identify the acronyms “scfs” and “acfs”, respectively, for clarity and consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7, Prevention of Significant Deterioration

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7, Prevention of Significant Deterioration: Paragraph (b)(44) is amended to modify the definition of the phrase “Regulated NSR pollutant” to comply with the changes to the federal definition.

Regulation 61-62.6, Control of Fugitive Particulate Matter

Regulation 61-62.6, Control of Fugitive Particulate Matter, Section I:

Paragraph (b) is amended to delete the text “source/plant” and replace with the word “source” for consistency.

Regulation 61-62.6, Control of Fugitive Particulate Matter, Section I:

Paragraph (c) is amended to delete the text “source/plant” and replace with the word “source” for consistency.

Regulation 61-62.6, Control of Fugitive Particulate Matter, Section III:

Paragraph (c) is amended to delete the text “source/plant” and replace with the word “source” for consistency.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Introductory “Note:” is amended by striking the sentence “The word “Administrator” as used in this regulation shall mean the Department of Health and Environmental Control unless the context requires otherwise.”, which is no longer relevant.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart A, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012; 77 FR 48433, August 14, 2012; and 77 FR 56422, September 12, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart B, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Cc, Table, Revision February 24, 1999, is amended to change the Volume number by striking “63” and replacing with “64”; and changing the Notice page number by striking “9261” and replacing with “9258” to correct typographical errors.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart D, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Da, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012; and 77 FR 23399, April 19, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Db, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Dc, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart G, Table, is amended to incorporate federal revisions at 77 FR 48433, August 14, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ga is added to incorporate newly promulgated federal revisions at 77 FR 48433, August 14, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart J, Table, is amended to incorporate federal revisions at 77 FR 56422, September 12, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ja, Table, is amended to incorporate federal revisions at 77 FR 56422, September 12, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart KKK, Table, is amended to incorporate federal revisions at 77 FR 49490, August 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart LLL, Table, is amended to incorporate federal revisions at 77 FR 49490, August 16, 2012, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart LLLL, Title, is amended to delete the phrase “Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Sewage Sludge Incineration Units” and replace with “Standards of Performance for New Sewage Sludge Incineration Units” for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart MMMM, Title, is amended to place in quotation marks for consistency.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart NNNN is added in alpha-numeric order for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart OOOO is added to incorporate newly promulgated federal revisions at 77 FR 49490, August 16, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart A, Table, is amended to incorporate federal revisions at 77 FR 9304, February 16, 2012; 77 FR 22848, April 17, 2012; and 77 FR 55698, September 11, 2012, by reference.

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Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart S, Table, is amended to incorporate federal revisions at 77 FR 55698, September 11, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart X, Table, is amended to incorporate federal revisions at 77 FR 556, January 5, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart HH, Table, is amended to incorporate federal revisions at 77 FR 49490, August 16, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart CCC, Table, is amended to incorporate federal revisions at 77 FR 58220, September 19, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart HHH, Table, is amended to incorporate federal revisions at 77 FR 49490, August 16, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart UUUUU is added to incorporate newly promulgated federal revisions at 77 FR 9304, February 16, 2012, and 77 FR 23399, April 19, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart DDDDDD, Table, is amended to incorporate federal revisions at 77 FR 22848, April 17, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart VVVVVV, Table, is amended to incorporate federal revisions at 77 FR 75740, December 21, 2012, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart FFFFFFFF is added in alpha-numeric order for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart GGGGGG is added in alpha-numeric order for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart HHHHHHHH is added to incorporate newly promulgated federal revisions at 77 FR 22848, April 17, 2012, by reference.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70.2, Title V Operating Permit Program, Definitions:

Paragraph (r)(3)(iv) shall be revised to delete the parentheses before and after the second instance of the text “(PM₁₀)” to correct a typographical error.

Regulation 61-62.70.3, Title V Operating Permit Program, Applicability:

Paragraph (b)(4)(ii) shall be revised to delete the first instance of the numeral “1,” which is bold and italicized, in the section number “61.145” and replace with an unbolded and unitalicized numeral “1” for consistency.

Instructions:

Amend Regulation 61-62, Air Pollution Control Regulations and Standards, pursuant to each instruction provided below with the text of the amendments.

Text:**Regulation 61-62.1, Definitions and General Requirements****Regulation 61-61.1.I.96. shall be revised as follows:**

96. Volatile Organic Compound (VOC) – a. Means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This includes compounds other than the following compounds:

acetone;

(CF₃)₂CFCF₂OC₂H₅ (2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane);

(CF₃)₂CFCF₂OCH₃ (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);

CFC-11 (trichlorofluoromethane);

CFC-12 (dichlorodifluoromethane);

CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane);

CFC-114 (1,2-dichloro 1,1,2,2-tetrafluoroethane);

CFC-115 (chloropentafluoroethane);

dimethyl carbonate;

ethane;

HCFC-22 (chlorodifluoromethane);

HCFC-31 (chlorofluoromethane);

HCFC-123 (1,1,1-trifluoro 2,2-dichloroethane);

HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane);

HCFC-124 (2-chloro-1,1,1,2-tetrafluoroethane);

HCFC-141b (1,1-dichloro 1-fluoroethane);

HCFC-142b (1-chloro 1,1-difluoroethane);

HCFC-151a (1-chloro-1-fluoroethane);

HCFC-225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);

HCFC-225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);

HFC-23 (trifluoromethane);

HFC-32 (difluoromethane);

HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);

HFC-125 (pentafluoroethane);

HFC-134 (1,1,2,2-tetrafluoroethane);

HFC-134a (1,1,1,2-tetrafluoroethane);

HFC-143a (1,1,1-trifluoroethane);

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HFC-152a (1,1-difluoroethane);
HFC-161 (ethylfluoride);
HFC 227ea (1,1,1,2,3,3,3-heptafluoropropane);
HFC-236ea (1,1,1,2,3,3-hexafluoropropane);
HFC-236fa (1,1,1,3,3,3-hexafluoropropane);
HFC-245ca (1,1,2,2,3-pentafluoropropane);
HFC-245ea (1,1,2,3,3-pentafluoropropane);
HFC-245eb (1,1,1,2,3-pentafluoropropane);
HFC-245fa (1,1,1,3,3-pentafluoropropane);
HFC-365mfc (1,1,1,3,3-pentafluorobutane);
HFE-7000 (1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane) or (n-C₃F₇OCH₃);
HFE-7100 (1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane) or (C₄F₉OCH₃);
HFE-7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or (C₄F₉OC₂H₅);
HFE-7300 ((1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane);
HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane);
HFO-1234ze (trans-1,3,3,3-tetrafluoropropene);
methane;
methyl acetate;
methyl chloroform (1,1,1-trichloroethane);
methylene chloride (dichloromethane);
methyl formate (HCOOCH₃);
parachlorobenzotrifluoride (PCBTf);
perchloroethylene (tetrachloroethylene);
perfluorocarbon compounds that fall into these classes:
i. cyclic, branched, or linear, completely fluorinated alkanes;
ii. cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
iii. cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
iv. sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine;
propylene carbonate; and
volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes) (VMS).

Regulation 61-62.2, Prohibition of Open Burning

Regulation 61-62.2, Section I.D., shall be revised as follows:

D. Fires purposely set in accordance with Smoke Management Guidelines for Vegetative Debris Burning Operations in South Carolina, administered by the South Carolina Forestry Commission and acceptable to the Department to include the following:

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)

Regulation 61-62.5, Standard No. 3.1, Section VII(b)(2)(iii)(B), shall be revised as follows:

(B) Demonstrate compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods in accordance with paragraph (a)(3) of this section. If all three performance tests over a three-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant

for an additional two years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.

Regulation 61-62.5, Standard No. 3.1, Section VII(b)(3)(iii)(B), shall be revised as follows:

(B) Demonstrate compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods in accordance with paragraph (a)(3) of this section. If all three performance tests over a three-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.

Regulation 61-62.5, Standard No. 3.1, Section VII(b)(4)(iii)(B), shall be revised as follows:

(B) Demonstrate compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods in accordance with paragraph (a)(3) of this section. If all three performance tests over a three-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.

Regulation 61-62.5, Standard No. 3.1, Section VIII(c)(3), shall be revised as follows:

(3) Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (c)(2) of this section have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken.

Regulation 61-62.5, Standard No. 3.1, Section VIII(c)(5), shall be revised as follows:

(5) Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (c)(2) of this section exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.

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Regulation 61-62.5, Standard No. 3.1, Appendix B, shall be revised as follows:

STEP 5. Calculate the volume of product of combustion (F):

$$F \text{ (scfs)} = \frac{M}{d \times 60 \times 60}$$

d (lb/ft³) = Density of exhaust gases at 70 degrees F, use a value of 0.075.

$$F^l \text{ (acfs)} = F \times \frac{(T_o + 460)}{530}$$

$$F^l \text{ design temperature} = F \times \frac{2460}{530}$$

scfs = standard cubic feet per second

acfs = actual cubic feet per second

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7, Prevention of Significant Deterioration

Regulation 61-62.5, Standard No. 7, (b)(44)(i), shall be revised as follows:

(44) **“Regulated NSR pollutant,”** for purposes of this regulation, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated. This includes, but is not limited to, the following:

(a) PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with emissions limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included;

(b) Any pollutant identified under paragraph (b)(44)(i)(b) as a constituent or precursor to a pollutant for which a national ambient air quality standard has been promulgated. Precursors identified by the Administrator for purposes of NSR are the following:

(1) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(2) Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.

(3) Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

(4) Volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations.

Regulation 61-62.5, Standard No. 7, (b)(44)(vi), shall be deleted.

Regulation 61-62.6, Control of Fugitive Particulate Matter

Regulation 61-62.6, Section I(b), shall be revised as follows:

(b) No visible dust in excess of ten (10) percent opacity will be allowed to come from transfer points of any conveyor system for raw material or finished product unless the source owner can demonstrate to the satisfaction of the Department that such control is not feasible.

Regulation 61-62.6, Section I(c), shall be revised as follows:

(c) No new source will be granted a permit to construct in a non-attainment area for primary standards if any part of materials handling of dry and dusty material is to be done with a front end loader, dump truck, or similar type handling which permits excessive dust to escape to the ambient air.

Regulation 61-62.6, Section III(c), shall be revised as follows:

(c) No source shall use any method of materials handling which will generate fugitive particulate matter that is not fully described in the permit application.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, Introductory Note shall be revised as follows:

Note: Facilities subject to the regulations listed below may be subject to additional requirements specified elsewhere in Regulation 61-62, Air Pollution Control Regulations and Standards.

Regulation 61-62.60, Subpart A, shall be revised as follows:

Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]

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40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]

Regulation 61-62.60, Subpart B, shall be revised as follows:

Subpart B - “Adoption and Submittal of State Plans for Designated Facilities”

The provisions of 40 CFR Part 60 Subpart B, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 44	November 9, 1979	[44 FR 65071]
Revision	Vol. 54	December 20, 1989	[54 FR 52189]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 65	December 6, 2000	[65 FR 76378]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

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Regulation 61-62.60, Subpart Cc, shall be revised as follows:

Subpart Cc - “Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills”

The provisions of 40 CFR Part 60 Subpart Cc, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Cc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 64	February 24, 1999	[64 FR 9258]

Regulation 61-62.60, Subpart D, shall be revised as follows:

Subpart D - “Standards of Performance for Fossil-Fuel-Fired Steam Generators”

The provisions of 40 CFR Part 60 Subpart D, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart D			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20791]
Revision	Vol. 40	January 16, 1975	[40 FR 2803]
Revision	Vol. 40	October 6, 1975	[40 FR 46256]
Revision	Vol. 41	November 22, 1976	[41 FR 51398]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 42	December 5, 1977	[42 FR 61537]
Revision	Vol. 43	March 7, 1978	[43 FR 9278]
Revision	Vol. 44	June 17, 1979	[44 FR 33612]
Revision	Vol. 44	December 28, 1979	[44 FR 76787]
Revision	Vol. 45	May 29, 1980	[45 FR 36077]
Revision	Vol. 45	July 14, 1980	[45 FR 47146]
Revision	Vol. 46	November 24, 1981	[46 FR 57498]
Revision	Vol. 48	January 27, 1983	[48 FR 3736]
Revision	Vol. 51	November 25, 1986	[51 FR 42797]
Revision	Vol. 52	August 4, 1987	[52 FR 28954]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 61	September 24, 1996	[61 FR 49976]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Regulation 61-62.60, Subpart Da, shall be revised as follows:

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”

The provisions of 40 CFR Part 60 Subpart Da, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]

Regulation 61-62.60, Subpart Db, shall be revised as follows:

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

The provisions of 40 CFR Part 60 Subpart Db, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Db			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]

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40 CFR Part 60 Subpart Db			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Regulation 61-62.60, Subpart Dc, shall be revised as follows:

Subpart Dc - “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units”

The provisions of 40 CFR Part 60 Subpart Dc, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Dc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]

Regulation 61-62.60, Subpart G, shall be revised as follows:

Subpart G - “Standards of Performance for Nitric Acid Plants”

The provisions of 40 CFR Part 60 Subpart G, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]

40 CFR Part 60 Subpart G			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 50	April 22, 1985	[50 FR 15894]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]

Regulation 61-62.60, Subpart Ga, shall be added in alpha-numeric order as follows:

Subpart Ga - “Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011”

The provisions of 40 CFR Part 60 Subpart Ga, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ga			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 14, 2012	[77 FR 48433]

Regulation 61-62.60, Subpart J, shall be revised as follows:

Subpart J - “Standards of Performance for Petroleum Refineries”

The provisions of 40 CFR Part 60 Subpart J, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart J			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]

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40 CFR Part 60 Subpart J			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 76	February 25, 2011	[76 FR 10524]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]

Regulation 61-62.60, Subpart Ja, shall be revised as follows:

Subpart Ja - “Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007”

The provisions of 40 CFR Part 60 Subpart Ja, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ja			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	July 28, 2008	[73 FR 43626]
Revision	Vol. 73	September 26, 2008	[73 FR 55751]
Revision	Vol. 73	December 22, 2008	[73 FR 78546]
Revision	Vol. 73	December 22, 2008	[73 FR 78549]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]

Regulation 61-62.60, Subpart KKK, shall be revised as follows:

Subpart KKK - “Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants”

The provisions of 40 CFR Part 60 Subpart KKK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart KKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 50	June 24, 1985	[50 FR 26124]
Revision	Vol. 51	January 21, 1986	[51 FR 2702]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Regulation 61-62.60, Subpart LLL, shall be revised as follows:

Subpart LLL - “Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions”

The provisions of 40 CFR Part 60 Subpart LLL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 50	October 1, 1985	[50 FR 40160]
Revision	Vol. 54	February 14, 1989	[54 FR 6679]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Regulation 61-62.60, Subpart LLLL, shall be revised as follows:

Subpart LLLL - “Standards of Performance for New Sewage Sludge Incineration Units”

Regulation 61-62.60, Subpart MMMM, shall be revised as follows:

Subpart MMMM - “Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units”

Regulation 61-62.60, Subpart NNNN, shall be added in alpha-numeric order as follows:

Subpart NNNN - (Reserved)

Regulation 61-62.60, Subpart OOOO, shall be added in alpha-numeric order as follows:

Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution”

The provisions of 40 CFR Part 60, Subpart OOOO, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]

Regulation 61-62.63 - National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Subpart A - General Provisions

Regulation 61-62.63, Subpart A, shall be revised as follows:

The provisions of 40 CFR Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]

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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]

Regulation 61-62.63, Subpart S, shall be revised as follows:

Subpart S - “National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry”

The provisions of 40 CFR Part 63 Subpart S, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart S			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	April 15, 1998	[63 FR 18616]
Revision	Vol. 63	August 7, 1998	[63 FR 42239]
Revision	Vol. 63	September 16, 1998	[63 FR 49459]
Revision	Vol. 63	December 28, 1998	[63 FR 71389]
Revision	Vol. 64	April 12, 1999	[64 FR 17563]
Revision	Vol. 65	December 22, 2000	[65 FR 80755]
Revision	Vol. 66	May 14, 2001	[66 FR 24268]
Revision	Vol. 66	October 16, 2001	[66 FR 52537]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]

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Regulation 61-62.63, Subpart X, shall be revised as follows:

Subpart X - “National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting”

The provisions of 40 CFR Part 63 Subpart X, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart X			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	June 23, 1995	[60 FR 32594]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	December 12, 1996	[61 FR 65336]
Revision	Vol. 62	June 13, 1997	[62 FR 32216]
Revision	Vol. 63	August 24, 1998	[63 FR 45011]
Revision	Vol. 64	January 29, 1999	[64 FR 4572]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 77	January 5, 2012	[77 FR 556]

Regulation 61-62.63, Subpart HH, shall be revised as follows:

Subpart HH - “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities”

The provisions of 40 CFR Part 63 Subpart HH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart HH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32628]
Revisions	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Regulation 61-62.63, Subpart CCC, shall be revised as follows:

Subpart CCC - “National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants”

The provisions of 40 CFR Part 63 Subpart CCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 22, 1999	[64 FR 33218]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 77	September 19, 2012	[77 FR 58220]

Regulation 61-62.63, Subpart HHH, shall be revised as follows:

Subpart HHH - “National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities”

The provisions of 40 CFR Part 63 Subpart HHH, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart HHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32647]
Revision	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 66	September 27, 2001	[66 FR 49299]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 77	August 16, 2012	[77 FR 49490]

Regulation 61-62.63, Subpart UUUUU, shall be added in alpha-numeric order as follows:

Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]

Regulation 61-62.63, Subpart DDDDDD, shall be revised as follows:

Subpart DDDDDD - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources”

The provisions of 40 CFR Part 63 Subpart DDDDDD, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 Subpart DDDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]

Regulation 61-62.63, Subpart VVVVVV, shall be revised as follows:

Subpart VVVVVV - “National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources”

The provisions of 40 CFR Part 63 Subpart VVVVVV, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart VVVVVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 74	October 29, 2009	[74 FR 56008]
Revision	Vol. 75	December 14, 2010	[75 FR 77760]
Revision	Vol. 76	March 14, 2011	[76 FR 13514]
Revision	Vol. 77	December 21, 2012	[77 FR 75740]

Regulation 61-62.63, Subpart FFFFFFFF, shall be added in alpha-numeric order as follows:

Subpart FFFFFFFF - [Reserved]

Regulation 61-62.63, Subpart GGGGGGGG, shall be added in alpha-numeric order as follows:

Subpart GGGGGGGG - [Reserved]

Regulation 61-62.63, Subpart HHHHHHHH, shall be added in alpha-numeric order as follows:

Subpart HHHHHHHH - “National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production”

The provisions of 40 CFR Part 63 Subpart HHHHHHHH, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart HHHHHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	April 17, 2012	[77 FR 22848]

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70.2(r)(3)(iv), shall be revised as follows:

(iv) For particulate matter (PM₁₀) nonattainment areas classified as “serious,” sources with the potential to emit 70 tpy or more of PM₁₀.

Regulation 61-62.70.3(b)(4)(ii), shall be revised as follows:

(ii) All sources and source categories that would be required to obtain a permit solely because they are subject to Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation.

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)-(3) and (9)-(11).

DESCRIPTION OF REGULATION:

Purpose: (1) The EPA promulgates amendments to 40 CFR Parts 51, 52, 60 and 63 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.

(2) The Department has amended Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of Volatile Organic Compounds (VOCs) promulgated by the federal rule "Revision to Definition of Volatile Organic Compounds-Exclusion of trans-1,3,3,3-tetrafluoropropene" (77 FR 37610, June 22, 2012). The Department also amended Regulation 61-62.5, Standard No. 7, Prevention of Significant Deterioration, to incorporate a provision in the definition of "Regulated NSR Pollutant," as required by the federal rule "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5}): Amendment to the Definition of "Regulated NSR Pollutant" Concerning Condensable Particulate Matter" (77 FR 65107, October 25, 2012). Additionally, the Department amended Regulations 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference recent federal amendments promulgated during the period from January 1, 2012, through December 31, 2012.

(3) The Department also made changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary. Pursuant to S.C. Code Section 1-23-120(H)(1), the amendments are not more stringent than current federal requirements and thus do not require legislative review.

Legal Authority: The legal authority for Regulation 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The amendments take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with effected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 51, 52, 60 and 63 throughout each calendar year. Federal amendments in 2012 included new and revised NSPS rules, NESHAPs for Source Categories, and VOC definition revisions. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

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DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from these revisions. The standards to be adopted are already effective and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

The State's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.