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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY THE LEGISLATIVE COUNCIL of the GENERAL ASSEMBLY

JAMES H. HARRISON, DIRECTOR DEIRDRE BREVARD-SMITH, EDITOR

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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.

2013 Publication Schedule

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

Printed

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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/regnsrch.php

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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		
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4372		Certification	4/07/14	South Carolina Criminal Justice Academy
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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
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		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.
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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
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	Certification	Judiciary	Judiciary
4284	Limited Herbicide Applicators License	Agriculture and Natural Resources	Agriculture and Natural Resources

Executive Order No. 2013-07

WHEREAS, on August 6, 2013, heavy rains and accompanying high river flows and debris caused severe damage to the bridge on S-160, known as Jones Mill Road, over Six Mile Creek in Pickens County, causing partial collapse of the bridge; and

WHEREAS, the impact of heavy rains resulted in complete closure of the bridge, diverting approximately 2,100 vehicles per day on a detour route of approximately 6.75 miles; and

WHEREAS, a complete bridge replacement required for this bridge is beyond the scope of extraordinary maintenance but is necessary to ensure the safety of the traveling public; and

WHEREAS, these conditions constitute an emergency as is contemplated by the terms of Section 125 of Title 23 in the United States Code.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby declare that an emergency exists as a result of the damage caused by heavy rains at the Jones Mill Road Bridge in Pickens County and direct the South Carolina Department of Transportation to undertake actions to replace the collapsing bridge to ensure the safety and well-being of the traveling public. I further direct the Department of Transportation to obtain federal approval of the Federal Highway Division Administrator to make Federal Highway Division Emergency Relief assistance available to the State.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 9th DAY OF AUGUST, 2013.

NIKKI R. HALEY Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

South Carolina Department of Health and Environmental Control and South Carolina Department of Natural Resources, in their capacity as trustees of state Natural Resources vs. Phillips 66 Company, Civil Action No. 2:13-cv-02145-DCN

Department of Health & Environmental Control Ashepoo Phosphate/Fertilizer Works Site

NOTICE OF LODGING OF PROPOSED CONSENT ORDER AND 30-DAY COMMENT PERIOD

A Consent Decree has been agreed upon by the State of South Carolina by and through the South Carolina Department of Health and Environmental Control (SCDHEC) and the South Carolina Department of Natural Resources (SCDNR) in their capacity as Trustees for state Natural Resources (the Trustees) as appointed by the Governor of the State of South Carolina and Phillips 66 Company (the Settling Defendant).

Contemporaneously with the lodging of this Consent Decree, SCDHEC and SCDNR, as agencies of the State of South Carolina and as Trustees for Natural Resources, filed a Complaint in this action pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9607, for damages due to alleged injuries to Natural Resources resulting from the release of hazardous substances at or from the Ashepoo Phosphate/Fertilizer Works facility located on Braswell Street in Charleston, South Carolina (Site).

The Trustees contend that the Pollution Control Act (PCA), S.C. Code Ann. Section 48-1-10 et seq. (Rev. 2008 and Supp. 2011) and the South Carolina Hazardous Waste Management Act, S.C. Code Ann. Section 44-56-10 et seq. (Rev. 2002 and Supp. 2011) provide additional authority to seek such damages related to the Site.

The proposed Consent Decree and Complaint allege that the Site is an abandoned phosphate and fertilizer manufacturing facility, which the Settling Defendant or its alleged predecessors operated until the early 1970s, and hazardous substances were released into the environment at the Site. The proposed Consent Order and Complaint allege that the Settling Defendant is liable under CERCLA for damages for injury to, destruction of, or loss of Natural Resources resulting from releases at or from the facility. Settling Defendant does not admit any liability arising out of the transactions or occurrences alleged in the proposed Consent Decree or in the Complaint, including the alleged release of hazardous substances and damages to Natural Resources.

The Trustees share State trusteeship for Natural Resources in South Carolina and have worked together to assess the natural resources injuries and losses related to the past operations at the Site and to plan restoration from the Mead Tract area (Mead Tract) to compensate for those losses.

The Trustees and the Settling Defendant have agreed upon the implementation of a restoration project of the Mead Tract property located within the boundaries of the Francis Marion National Forest as adequate compensation for Natural Resources Damages related to the Site. Restoration of the 100-acre Mead Tract is designed to improve natural community conditions by increasing appropriate species diversity and removing undesirable species, as well as enhancing habitat for the endangered red-cockaded woodpecker and American chaffseed. The restoration project will cost an estimated \$227,179 and will be implemented over six years.

The Trustees believe the obligations of the Settling Defendant outlined in the proposed Consent Decree constitute adequate compensation for Natural Resources Damages related to the Site.

Comments will be accepted electronically by email to cassidga@dhec.sc.gov or written comments should be mailed to Greg Cassidy, SCDHEC-BLWM, 2600 Bull Street, Columbia, SC, 29201. The comment period ends on September 23, 2013.

The proposed Consent Decree is available for review at the SCDHEC Charleston Region 7 office, 1362 McMillan Avenue, Suite 300, Charleston, SC 29405. It is also available on SCDHEC's website at the link below: www.scdhec.gov/environment/lwm/publicnotice.htm.

After addressing any comments received during the comment period, SCDHEC and SCDNR intend to seek court approval of the proposed Consent Decree.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #56372 Griffin Radiator Piedmont 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 Wilson Inc. of Piedmont (Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Griffin Radiator Piedmont facility located in Anderson County, at 100 Hurricane Creek Road, Piedmont, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants from the property (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a Remedial Investigation (RI) to determine the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department costs of response 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. 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 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 David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than September 23, 2013 and addressed to: David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in

6 NOTICES

accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party 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. 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 Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

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 September 23, 2013 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

Geologic Restoration, Inc.

Attn: Brian E. Chew, Sr. 10120 Industrial Drive Pineville, NC 28134

Bhate Environmental Associates, Inc.

Attn: Sam Bhate 1608 13th Avenue South, Ste 300 Birmingham, AL 35205-5573

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

DHEC-Bureau of Land and Waste Management, File #413450 Wikoff Color Corporation Site

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

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Wikoff Color Corporation of S.C. (Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will continue to fund and perform future response actions at the Wikoff Color Corporation facility located in York County, at 1886 Merritt Road, Fort Mill, 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 Responsible Party funding and performing: a Remedial Investigation (RI) to determine and further evaluate the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study (FS) to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past costs of response of \$7,892.01 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department costs of response 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, if any, via 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 September 23, 2013, and addressed to: Pat Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party 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 Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. International Building Code, 2012 Edition. The International Building Code, 2012 Edition, is the current successor code to the 2009 edition of the International Building Code.
- The original promulgating authority for this code is: International Code Council 900 Montclair Road Birmingham, Alabama 35213-1206
- 3. This code is referenced by: South Carolina Regulations 71-8300.2(A)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. International Existing Building Code, 2012 Edition. The International Existing Building Code, 2012 Edition, is the current successor code to the 2009 edition of the International Existing Building Code.
- The original promulgating authority for this code is: International Code Council 900 Montclair Road Birmingham, Alabama 35213-1206
- 3. This code is referenced by: South Carolina Regulation 71-8300.2(B)

NOTICE OF GENERAL PUBLIC INTEREST

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- 1. International Fire Code, 2012 Edition. The International Fire Code, 2012 Edition, is the current successor code to the 2009 edition of the International Fire Code.
- The original promulgating authority for this code is: International Code Council 900 Montclair Road Birmingham, Alabama 35213-1206
- 3. This code is referenced by: South Carolina Regulation 71-8300.2(C)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. International Mechanical Code, 2012 Edition. The International Mechanical Code, 2012 Edition, is the current successor code to the 2009 edition of the International Code.
- The original promulgating authority for this code is: International Code Council 900 Montclair Road Birmingham, Alabama 35213-1206
- 3. This code is referenced by: South Carolina Regulation 71-8300.2(D)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 12, Standard on Carbon Dioxide Extinguishing Systems, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(F)(2)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 15, Standard for Water Spray Fixed Systems for Fire Protection, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-10-240 South Carolina Rules & Regulations 71-8300.2(G)(5)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-10-240 South Carolina Rules and Regulations 71-8300.2(G)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 18, Standard on Wetting Agents, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-10-240 South Carolina Rules and Regulations 71-8300.2(G)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-10-240 South Carolina Rules and Regulations 71-8300.2(G)(11)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 30, Flammable and Combustible Liquids Code, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 39-41-260 South Carolina Rules and Regulations 71-8300.2(H)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- This code is referenced by: South Carolina Code of Law, Section 39-41-260 South Carolina Rules and Regulations 71-8300.2(I)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 58, Liquefied Petroleum Gas Code, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-82-70 South Carolina Rules and Regulations 71-8300.2(L)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 70, National Electrical Code, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(N)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 99, Health Care Facilities Code, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(Q)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 101, Life Safety Code, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- This code is referenced by: South Carolina Code of Law, Section 23-45-140 South Carolina Rules and Regulations 71-8300.2(R)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(S)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 160, Standard for the Use of Flame Effects Before an Audience, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(T)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 214, Standard on Water-Cooling Towers, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Code of Law, Section 40-10-240(A) South Carolina Rules and Regulations 71-8300.2(G)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 407, Standard for Aircraft Fuel Servicing, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by:
 South Carolina Code of Law, Section 23-9-60
 South Carolina Rules and Regulations 71-8300.2(U)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 409, Standard on Aircraft Hangars, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by:
 South Carolina Code of Law, Section 40-10-240
 South Carolina Rules and Regulations 71-8300.2(V)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2011 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- This code is referenced by: South Carolina Code of Law, Section 23-35-45 South Carolina Rules and Regulations 71-8300.2(AA)

The Office of State Fire Marshal specifically requested comments concerning sections of these editions which may be unsuitable for enforcement in South Carolina and received none. Therefore, the Office of State Fire Marshal will promulgate this latest edition without amendment.

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

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(CC)

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 1-34-30 of the 1976 Code of Laws of South Carolina, as amended, the Department of Labor, Licensing and Regulation, Office of State Fire Marshal hereby adopts the latest edition of the following nationally recognized code.

- 1. National Fire Protection Association 2001, Standard on Clean Agent Fire Extinguishing Systems, 2012 Edition.
- The original promulgating authority for this code is: National Fire Protection Association
 Batterymarch Park
 Quincy, Massachusetts 02269
- 3. This code is referenced by: South Carolina Rules and Regulations 71-8300.2(F)(7)

20 DRAFTING NOTICES

BOARD OF ACCOUNTANCY

CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

Notice of Drafting:

The South Carolina Board of Accountancy proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Doris Cubitt, Administrator, State Board of Accountancy, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Accountancy proposes to amend its regulations. Legislative review of this amendment is required.

BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 6-9-63(E)

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend Regulation 8-1209 to correct a scrivener's error made in the citation of the International Residential Code Section R312.2. Interested persons may submit comments to Roger Lowe, Administrator, State Building Codes Council, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend Regulation 8-1209. Legislative review of this amendment is required.

CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than September 23, 2013, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes 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 as stringent as those

adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

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

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. Clyde B. Hoskins, Director, State Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than September 23, 2013, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the 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 as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

CONTRACTORS LICENSING BOARD

CHAPTER 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-10-60

Notice of Drafting:

The South Carolina Contractors Licensing Board proposes to amend Regulations 29-70 through 29-110 regarding administration of the Fire Protection Sprinkler Systems Act. Interested persons may submit comments to Roger Lowe, Administrator, State Contractors Licensing Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Contractors Licensing Board proposes to amend Regulations 29-70 through 29-110 regarding administration of the Fire Protection Sprinkler Systems Act. Legislative review of this amendment is required.

22 DRAFTING NOTICES

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to amend Regulations 35-1, 35-2, 35-4, 35-5, 35-8, 35-10, 35-13, 35-23 and 35-24 in conformance with its practice act. Interested persons may submit comments to Tracey McCarley, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend its regulations. Legislative review of this amendment is required.

SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY

CHAPTER 38

Statutory Authority: 1976 Code Sections 23-11-110 and 23-23-10 et seq.

Notice of Drafting:

The South Carolina Criminal Justice Academy proposes to add a new regulation that addresses annual jail management training for Sheriffs that administer jails and for jail administrators. Interested persons may submit comments to Mrs. Brandy A. Duncan, Chief General Counsel, 5400 Broad River Road, Columbia, South Carolina 29212. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2013, the close of the drafting comment period.

Synopsis:

S.C. Code §23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code §23-23-10 et seq. S.C. Code §23-11-110 requires Sheriffs, during their first term, to complete a training session determined pursuant to Chapter 23, Title 23.

The proposed addition to the regulations will address annual jail management training for Sheriffs that administer jails and for jail administrators.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2012), 59-29-10 et seq. (2004 and Supp. 2012), 59-33-30 (2004), 59-53-1810 (Supp. 2012), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-234, Defined Program, Grades 9–12 and Graduation Requirements. Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 23, 2013.

Synopsis:

Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. The regulation also defines the graduation requirements for the state.

The amendment will remove the language referring to the exit examination as required for high school graduation. The amendment also will revise language referring to class size and revise language in the regulation to be consistent with other relevant regulations being considered for amendments and revision.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-25-110 (2004) 59-26-10 et seq. (2004 and Supp. 2012), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-62, Requirements for Additional Areas of Certification. Interested persons may submit their comments in writing to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to cchilds@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 23, 2013.

Synopsis:

Regulation 43-62 governs the requirements for add-on certification for educators in South Carolina. Amendments to Regulation 43-62 will 1) provide a clear definition of the terms add-on certification and endorsement; 2) refine and update requirements for an educator to be endorsed in online teaching; and 3) change the wording of the regulation to replace certification with licensure in keeping with agency norms. These changes allow the Board to continue to provide appropriately certified educators for South Carolina public schools.

Legislative review of this proposal will be required.

24 DRAFTING NOTICES

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-31-550 (2004)

Notice of Drafting:

The South Carolina Department of Education proposes amendments to Regulation 43-70, Textbook Adoption Regulation.

Interested persons may submit their comments in writing to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Columbia, SC 29201, or by email to cchilds@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on September 23, 2013.

Synopsis:

Regulation 43-70 is being amended to reflect consistencies in language across regulations as well as modifications to increase the efficiency of the current adoption process. In addition, provisions will be included in support of the adoption of digital materials.

Legislative review of these amendments will be required.

STATE BOARD OF NURSING

CHAPTER 91

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

Notice of Drafting:

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. Interested persons may submit comments to Nancy Murphy, Administrator, State Board of Nursing, Post Office Box 12367, Columbia, S.C. 29211-2367.

Synopsis:

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. Legislative review of this amendment is required.

BOARD OF EXAMINERS IN OPTOMETRY

CHAPTER 95

Statutory Authority: 1976 Code Sections 40-1-70 and 40-37-40

Notice of Drafting:

The South Carolina Board of Examiners in Optometry proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Angie Combs, Administrator, State Board of Examiners in Optometry, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Optometry proposes to amend its regulations. Legislative review of this amendment is required.

REAL ESTATE APPRAISERS BOARD

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70 and 40-60-10(H)(3)

Notice of Drafting:

The South Carolina Real Estate Appraisers Board proposes to amend Regulations 137-400.01 and 137-700.04 in conformance with its practice act. Interested persons may submit comments to Roderick Atkinson, Administrator, State Real Estate Appraisers Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Real Estate Appraisers Board proposes to amend Regulations 137-400.01 and 137-700.04. Legislative review of this amendment is required.

26 PROPOSED REGULATIONS

Document No. 4388

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

Preamble:

- 1. The Department proposes to amend R.61-62, Air Pollution Control Regulations and Standards, to codify and update "General" language.
- 2. The Department also proposes to amend R.61-62.1, Definitions and General Requirements, and the SIP:
- a) (Section I, Definitions) to modify the definition for "Commissioner" to include the term "Director;" to add definitions for the terms "Code of Federal Regulations (CFR)," "NAICS Code," and "SIC Code;" and to strike the majority of the definition for "Volatile Organic Compound" (VOC) which includes an exemptions list. The exemptions list for VOC is amended on an almost annual basis and requires a SIP amendment. Therefore, the Department is proposing to reference 40 CFR 51.100(s) as the federal definition is often amended before the Department is able to complete the regulatory process outlined in the Administrative Procedure Act.
- b) (Section II, Permit Requirements) to update the activities list which an owner or operator may undertake prior to obtaining a construction permit; to update and streamline exemption thresholds for construction permits; to outline construction permit requirements for sources of VOCs; to update and clarify construction permit application requirements; to streamline and update general construction permit requirements; to clarify and update operating permit renewal request requirements; to strike the Department's requirement to public notice registration permits; to update and streamline registration permit text; to update and streamline transfer of ownership/operation requirements; and to amend the Department's public participation procedures to allow for posting on the Department's website.
- c) (Section III, Emissions Inventory) to incorporate into South Carolina regulatory text and the SIP the Clean Air Act requirement for sources in ozone nonattainment areas to submit an annual emissions statement; and to update and clarify annual and three-year emissions inventory reporting requirements as current regulatory text and format was found by owners and operators to be confusing. No new reporting requirements are included in these changes.
- d) (Section IV, Source Tests) to incorporate provisions from two Final Rules published by the Environmental Protection Agency (Restructuring of the Stationary Source Audit Program (SSA) (75 FR 55636) and Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (PGVP Rule) (76 FR 17288)). This proposal is being made to reflect a change in EPA's SSA program. EPA no longer provides the Department with audit samples for sources. Source owners, operators, and representatives must purchase samples from an Audit Sample Provider when a sample is commercially available. The Department also proposes to clarify air emissions testing and reporting requirements and to add language to reflect federal testing competency requirements as found in the PGVP Rule which does not affect state testing.
- 3. The Department also proposes to amend R.61-62.5, Standard 1, Emissions from Fuel Burning Operations; R.61-62.5, Standard 4, Emissions from Process Industries; and the SIP to incorporate comments from a previous regulatory action which did not require General Assembly review. The Department evaluated the comments received and determined to propose to exempt sources subject to an opacity standard under 40 CFR 60 from state opacity standards outlined in Standard 1; streamline sulfur dioxide emission standards in Standard 1; change reporting requirements from quarterly to semi-annual periods to reflect federal

requirements; update state regulations that have been made obsolete by a National Emission Standard for Hazardous Air Pollutants and/or New Source Performance Standard; and strike total reduced sulfur periodic testing requirements from Standard 4.

- 4. The Department also proposes to amend R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability more consistent with the federal definition found in 40 CFR Section 63.40(b) and to move the "Note" regarding state authority to the beginning of R.61-62.63 for clarity and usability.
- 5. The Department also proposes to amend R.61-62 to reflect minor revisions aimed at enhancing the clarity and usability of these regulations per the 5-year audit.

Pursuant to S.C. Code Section, 1-23-120(H)(1), the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, and the SIP will require legislative review.

A Notice of Drafting was published in the *South Carolina State Register* and on the Bureau of Air Quality Regulatory Development website on March 22, 2013. Notice of the Department's intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. The public comment period ended on April 22, 2013. No comments were received.

The Department met with external stakeholders on April 16, 2013. Two comments were received which are not germane to this package.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62, Air Pollution Control Regulations and Standards

Regulation 61-62, Air Pollution Control Regulations and Standards:

Is amended to add a reference to the S.C. Code of Laws outlining statutory authority, to add codification to and update "General" language, and to add codification and make minor edits to the "Table of Contents."

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition "18. Code of Federal Regulations (CFR) – Means the general and permanent rules codified and published in the Federal Register by the departments and agencies of the federal government." is added in alpha numeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for "Commissioner" is amended to make the words "Commissioner" and "Director" synonymous in Regulation 61-62 for clarity.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for "Hospital" is amended to hyphenate the number "twenty four" for consistency.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definition for "Industrial Furnace," paragraph l, is amended to add hyphens to the phrase "case by case" for consistency with the rest of Regulation 61-62.

28 PROPOSED REGULATIONS

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition "54. NAICS Code - Means North American Industry Classification System (NAICS) Code, a six digit coding system, which attempts to classify all business establishments by the types of products or services they provide." is added in alphanumeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Added definition "81. SIC Code – Means Standard Industrial Classification Codes which are four digit numerical codes designed by the U.S. Department of Labor in order to create uniform descriptions of business establishments." is added in alphanumeric order.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions: Definition for "Volatile Organic Compound (VOC)" is amended to cite 40 CFR 51.100(s)(1).

Note: State Register Document 4387, an amendment of R.61-62, is also currently open at http://www.scstatehouse.gov/reg/4387.dox for public comment as part of a Notice of Proposed Rulemaking which does not require Legislative Review. Document 4387 is being promulgated to comply with federal law and contains a proposal to amend the definition of Volatile Organic Compounds. Proposed amendments contained in Document 4387 are anticipated to take effect as law by publication in the South Carolina State Register prior to the proposed amendments contained herein (Document 4388) which also amend the definition of Volatile Organic Compounds. After final publication of Document 4387 in the State Register, the Department intends to strike the majority of the text contained in the definition for Volatile Organic Compounds (to include the text which is being added as part of Document 4387) and to cite 40 CFR 51.100(s)(1) (the federal definition). Document 4388 will be submitted to the General Assembly for review and, if approved, is expected to take effect six to twelve months after Document 4387 is state effective.

Regulation 61-62.1 Definitions and General Requirements, Section I, Definitions:

Definitions are renumbered in alpha-numeric order from definition "18." to the end to account for newly added definitions and to ensure clarity and consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.a is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.c.ix through Paragraph A.1.c.xvii are being amended or added to expand the list of activities that may take place on a site before obtaining a construction permit.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph A.1.d is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B is amended to make the word "From" lowercase for title capitalization consistency throughout Regulation 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.1 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph B.1.b is amended to define the abbreviation for Btu/hr and the use the proper abbreviation hereafter for clarity and consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.1.c is amended to utilize the previously established unit abbreviation "Btu/hr."

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.2 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.2.a is amended to strike the unit "British thermal unit per hour" in order to utilize the previously established unit abbreviation.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.2.h is amended to mirror the exemption thresholds for construction permits with the Title V Insignificant Activity List and to allow for flexibility at higher levels without exempting federally applicable limits that are not otherwise exempt.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.3 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual. Paragraph B.3 is also amended to make an allowance for the Department to develop emission thresholds for exemptions which will not interfere with the attainment or maintenance of any state or federal standard.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.5 is added to outline construction permit exemption requirements for sources of VOCs.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.5 is renumbered as Paragraph B.6 and amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.5.d is renumbered as Paragraph B.6.d and is amended to properly cite Regulation 61-62.5, Standard No. 7.1.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph B.6 is renumbered as Paragraph B.7 and is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.3 is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.3.a is amended to clarify construction permit application requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph D.1 is divided into two items (Paragraph D.1 and Paragraph D.2) for usability.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph D.2 is renumbered as Paragraph D.3 to account for the newly codified Paragraph D.2. The newly codified paragraph is also amended for grammatical correctness and divided into Paragraph D.3 and Paragraph D.4 for usability.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph D.3 is renumbered as Paragraph D.5.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph D.4 is renumbered as Paragraph D.6 and is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph D.5 is renumbered as Paragraph D.7.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph E.1.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative

Paragraph E.1.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.1.c is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.1.e is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.2.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.2.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.4.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual. Paragraph E.4.a is also divided into Paragraphs E.4.b, E.4.c, and E.4.d. Paragraphs E.4.b and E.4.c are subsequently recodified as Paragraphs E.4.e and E.4.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.5.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph E.5.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph F.2 is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph F.3.b is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.1 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.2.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.2.c is amended to strike the requirement for a conditional major operating permit renewal to be public noticed, to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual, and to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification. Paragraph G.2.c is also divided into Paragraph G.2.d for usability and Paragraphs G.2.d and G.2.e are subsequently recodified as Paragraphs G.2.e and G.2.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.4.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.4.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.5.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.6.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.6.b is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph G.7.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual. Paragraph G.7.a is also divided into Paragraphs G.7.b, G.7.c, and G.7.d. Paragraphs G.7.b and G.7.c are subsequently recodified as Paragraphs G.7.e and G.7.f respectively.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.2 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.3 is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4 is amended to change the word "effect" to "affect" to correct a typographical error.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4.a is amended to clarify operating permit renewal requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph H.4.h is amended to indicate that "A summary of facility-wide potential uncontrolled and controlled emissions with a regulatory applicability determination" "must be provided" as part of an operating permit renewal request.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.1.a is amended to strike the requirement for the Department to public notice a registration permit.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.2.a is amended to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual, update language, and to divide the Paragraph into Paragraph I.2.b.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.2.b is recodified as Paragraph I.2.c and the reference to registration permit public notice is struck.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.3.a is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph I.4 is added to provide for the allowance for the Department to reopen a registration permit for cause.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph J is amended to strike the period at the end of the item title for consistency.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph J.1.g is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification. Paragraph J.1.g is also amended to correct a grammatical error and to explain record keeping requirements.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.2 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.a is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.c is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.3.d is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification, and to properly cite items in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph L.4 is amended to strike the word "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph M is amended to strike the word "agent," to replace it with the word "operator" for consistency and clarification, and to clarify the requirements for a transfer of ownership.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.1 is amended to allow the Department to notice permitting activities on the Department's website.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.2 is amended and divided into Paragraphs N.2.a, N.2.b, N.2.c, N.2.d, N.2.e, N.2.f, and N.2.g to clarify the components of a public notice.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.3 is amended and divided into Paragraphs N.3.a and N.3.b to clarify the public comment process.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph N.6 is amended to properly cite an item in Section II per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements:

Paragraph O is amended to strike the phrase "permittee" and to replace it with the phrase "owner or operator" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Title is amended to include "AND EMISSIONS STATEMENTS."

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph A, Introductory Paragraph, is newly codified as "Paragraph A.1" and amended for grammatical correctness. Paragraph A.2 is added to define an "emissions statement."

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph B through Paragraph C, Table 1, is struck. All emissions inventory information contained therein is reworded, reformatted, and clarified as Paragraph B through Paragraph B.1.c, Table 2. There are no new requirements associated with these changes. Paragraph C.1.a requirements for TAP and HAP data to be collected every third year will be omitted from reformatted text (this data will be requested annually as part of annual emissions inventories as is current practice).

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.a (newly recodified as Paragraph B.2.a) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.b (newly recodified as Paragraph B.2.b, B.2.b.i, B.2.b.ii, and B.2.b.iii) is amended to clarify emissions inventory reporting requirements for newly permitted and constructed Title V Sources which have obtained or are in the process of obtaining a Title V permit and newly permitted and constructed nonattainment area sources.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.c (newly recodified as Paragraph B.2.c) is amended for clarity, grammatical correctness, and to reflect codification and formatting changes to Section III.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.d (newly recodified as Paragraph B.2.d) is amended for grammatical correctness and to reflect codification and formatting changes to Section III.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e (newly recodified as Paragraph B.2.e) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e.ix (newly recodified as Paragraph B.2.e.ix) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.e.xi (newly recodified as Paragraph B.2.e.xi) is amended to strike the requirement from regulatory text for TAP and HAP data to be collected every third year (this data will be requested annually as part of annual emissions inventories as is current practice).

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.g (newly recodified as Paragraph B.2.g) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C.2.h (newly recodified as Paragraph B.2.h) is amended for grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section III, Emissions Inventory:

Paragraph C through Paragraph C.4 are added to outline the requirements for emissions statements in ozone nonattainment areas and to include emissions statements in the SIP.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph A.1 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1.a is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual, to strike the phrase "owner or operator," and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.1.b is amended to include the phrase "or amended test plan" for clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.3.a is amended to strike the phrase "owner or operator," to replace it with the phrase "owner, operator, or representative" for consistency and clarification, and to strike a comma for punctuational correctness.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.3.b is amended to strike the phrase "owner or operator," to replace it with the phrase "owner, operator, or representative" for consistency and clarification, and to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.5.a is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.5.b is amended to clarify and to properly cite items in Section IV per the 2011 South Carolina Legislative Council's Standards Manual. Paragraph B.5.b is also amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.6 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.7 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.8 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph B.9 is amended to strike the phrase "owner or operator," to replace it with the phrase "owner, operator, or representative" for consistency and clarification, and to strike an extraneous semicolon.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C, Introductory Text, is amended to properly cite items in Section IV per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.1 is amended to replace the word "Facility" with the word "General" for clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.3.a is amended to strike an unnecessary comma for clarity.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.d is amended to add a period after the abbreviation "etc."

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.1 is amended to strike the unnecessary word "and" at the end of the item.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.m is amended to strike the period at the end of the item and replace it with "; and" for list consistency.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph C.7.n is added to include source test method performance audit samples and their results to "Internal Quality Assurance/Quality Control (QA/QC) Measures."

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.1 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification. Paragraph D.1 is also amended to include the requirements for a complete source test notification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.2 is amended to strike each instance of the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.4 is amended to clarify the requirements that must be met for an individual to be "qualified" to conduct a source test as outlined in the Final Rule: Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (76 FR 17228).

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.5 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph D.6 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph E is amended in its entirety to reflect federal changes to the Stationary Source Audit Program as outlined in the Final Rule: Restructuring of the Stationary Source Audit Program (75 FR 55636). This "restructuring" requires source owners to obtain commercially available audit samples from Accredited Audit Sample Providers (AASP) rather than obtaining audit samples from the Department/EPA as was the practice in the past. The Rule and CFR also contain a list of test methods for which EPA does not require audit samples. This exemption list will be incorporated into 62.1 at Section IV.E.3.a.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.1 is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.b is amended to add a period after the abbreviation "etc."

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.c is amended to add a period after the abbreviation "etc."

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.o is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual and to reflect federal changes to the Stationary Source Audit Program as outlined in the Final Rule: Restructuring of the Stationary Source Audit Program (75 FR 55636). The final test report must indicate that no sample was commercially available if EPA did not have one listed on their website 60 days prior to the beginning of the compliance test.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.r is amended to strike the unnecessary word "and" at the end of the item.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.s is amended to strike the period at the end of the item and replace it with "; and" for list consistency.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph F.2.t is added to include applicable or required certifications to final test report requirements.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph G, Introductory Text, is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph H is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section IV, Source Tests:

Paragraph I is amended to strike the phrase "owner or operator" and to replace it with the phrase "owner, operator, or representative" for consistency and clarification.

Regulation 61-62.1, Definitions and General Requirements, Section V, Credible Evidence:

Paragraph C.1 is amended to strike the reference "(Supp. 2000)" per the outline for citations found in the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.1, Definitions and General Requirements, Section V, Credible Evidence:

Paragraph C.2 is amended to strike the reference "(Supp. 2000)" per the outline for citations found in the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Emissions from Fuel Burning Operations

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions:

Section I, Introductory Text, is added in response to a comment made by the South Carolina Chamber of Commerce's Environmental/Technical Committee (Chamber ETC) on the 2011 End of the Year Revision (State Register Doc. No. 4330). The text exempts sources from Standard 1 opacity limits if sources are subject to an opacity standard from a New Source Performance Standard.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions: Paragraph A is amended for grammatical consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions: Paragraph B is amended for grammatical consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section I, Visible Emissions: Paragraph D is amended to define the abbreviation "EPA" to be used hereafter for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section II, Particulate Matter Emissions: Paragraph B is amended to properly abbreviate the unit "pounds."

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section III, Sulfur Dioxide Emissions: Paragraph A is amended to streamline sulfur dioxide emission standards and all succeeding text (Paragraphs B-D) is struck in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) for simplicity in light of Regulation 61-62.5, Standard 2, Ambient Air Quality Standards.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.1 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.1.b is amended to remove parenthesis from Section numbers for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2 is amended to change the word "this" to the word "the" in the phrase "this Department" for consistency. Paragraph A.2 is also amended to codify previously uncodified text.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2.a is amended to strike the period after the unit citation Btu/hr for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph A.2.b is amended to strike the hyphen in the term "non-compliance" for consistency and to strike uncodified text which is added to Paragraph A.2 as part of this action.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1 is amended for consistency with the 2011 South Carolina Legislative Council's Standards Manual. Paragraph B.1 is also amended in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) in order to "align reporting requirements with CFR 60.51Da(j), 40 CFR 60.49Db(w) and 40 CFR 60.48Dc(j)." Paragraph B.1 is also being amended to add codification to previously uncodified text.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1.a is amended to properly cite Section I per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph B.1.c is amended to properly cite Section I per the 2011 South Carolina Legislative Council's Standards Manual, and to strike uncodified text which is being added to Paragraph B.1 as part of this action.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph C is amended to properly cite Section IV per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.1 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual and to make other nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.2 is amended to make nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph D.3 is amended to replace the phrase "this agency" with the phrase "the Department" for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph E is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual and to make other nonsubstantive changes identified in the five-year regulatory audit.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph F is amended to replace the word "plant" with the word "source" and to hyphenate the phrase "case by case" for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section IV, Opacity Monitoring Requirements:

Paragraph F.3 is amended to properly cite an item in Section IV per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section VI, Periodic Testing: Introductory Paragraph is amended to strike the chemical name "sulfur dioxide" and replace it with the previously established chemical formula "SO₂" to avoid confusion.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 1, Section VI, Periodic Testing: Paragraph C is amended to strike the unnecessary comma after the word "Woodwaste."

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section II, Sulfuric Acid Manufacturing: Paragraph A is amended to reflect and utilize the chemical formula for sulfur dioxide.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section III, Kraft Pulp and Paper Manufacturing:

Section III introductory text is amended to strike the phrase "rate of emissions" and replace it with the phrase "opacity." The Table in Section III is amended to strike the third column "Maximum Allowable Emissions of Particulate Matter in Pounds/Equivalent Ton of Air Dried, Unbleached Pulp Produced" in response to a comment made by the South Carolina Chamber of Commerce's Environmental/Technical Committee (Chamber ETC) on the 2011 End of the Year Revision (State Register Doc. No. 4330) which stated that the "limits have been replaced by equal or lower limits in...40 CFR 63, Subpart MM." The Department partly agrees, but sees the need to retain opacity.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section V, Cotton Gins: Paragraph A.8 is amended to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section V, Cotton Gins: Paragraph D is amended to add codification to previously uncodified text which requires the codification of Paragraphs D.1 through D.4 to change to Paragraphs D.1.a through D.1.d.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section X, Non-Enclosed Operations: Paragraph B is amended to strike an unnecessary comma.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph C is amended to properly cite an item in Section XI per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph C.1 is amended to properly cite an item in Section XI per the 2011 South Carolina Legislative Council's Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.1.c(ii) is amended to codify previously uncodified text as Paragraphs D.1.d(i) and D.1d.(ii).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.3 is amended in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) in order to "align reporting requirements with CFR 60.284(d)."

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XI, Total Reduced Sulfur (TRS) Emissions of Kraft Pulp Mills:

Paragraph D.3.a is amended to add a serial comma for consistency.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing: Title is amended to include "Particulate Matter Emissions and/or Sulfur Dioxide (SO₂)."

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing: Paragraph A, Title, is struck for clarification.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing: Paragraphs A.1 through A.7 are recodified as Paragraphs A through G.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Section XII, Periodic Testing: Paragraph B is struck in response to a comment made by Chamber ETC on the 2011 End of the Year Revision (State Register Doc. No. 4330) as "this section adds requirements to older sources that are monitored exactly the same way, and by a preferential method, as newer sources." The Department's justification deviates from Chamber ETC's comment but agrees with the proposed revision.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP)

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Appendix A is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Appendix B is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Appendix C is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Appendix D is struck as it was found to be unnecessary per the five-year regulatory audit.

Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Appendix E is struck as it was found to be unnecessary per the five-year regulatory audit.

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:

"Note" is added prior to Subpart A, General Provisions, in response to a comment made by the Environmental Protection Agency to State Register Doc. No. 2506, "For the sake of clarity we suggest that you add a note to the beginning of the regulation stating its purpose..." This "Note" was originally incorporated "prior to Subpart C" in May 2000 and after several revisions is now found prior to 63.50 in Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j). The "Note" is removed from Subpart B as part of this action and is amended to reflect standardization from the five-year regulatory audit.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.40, Applicability, paragraph (a) is amended to make the definition of "Applicability" more consistent with 40 CFR 63.40(b).

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.43, Paragraph (1)(2) is amended to strike the word "of" in the phrase "owner of operator," and to replace it with the word "or" for consistency and clarification.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j):

Section 63.44, Requirements for Constructed or Reconstructed Major Sources Subject to a Subsequently Promulgated MACT Standard or MACT Requirement, "Note" is struck for clarity and to properly place the "Note" "to the beginning of the regulation" as suggested by EPA in a comment in response to State Register Doc. No. 2506.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on September 24, 2013, at 10:00 a.m. in the Wallace Room (3141) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Mallori K. McAllister by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4117; or by e-mail at mcallimk@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 24, 2013, the close of the comment period. Comments received at the forum or during the write-in public comment period by the

deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mallori K. McAllister at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-0167; or by emailing mcallimk@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at http://www.scdhec.gov/administration/regs/ in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on November 14, 2013. The public hearing is to 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, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: http://www.scdhec.gov/administration/board-agenda.htm. 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 to the Clerk of the Board for inclusion for the record.

Preliminary Fiscal Impact Statement:

The Department estimates that there will be no increased costs to the State or its political subdivisions as a result of the proposed changes as any potential costs have already been incurred based on federal programs implemented in 2010 at the federal level. Other proposed changes are being made to streamline State requirements and therefore reduce economic burden.

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: The proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, will support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. These amendments will expand and clarify definitions applicable to air pollution control regulations and standards; streamline permitting options; clarify reporting and testing requirements; and provide internal consistency and clarification of references, punctuation, codification, formatting, and spelling to improve the overall text of R.61-62.

Legal Authority: The legal authority for R.61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and the S.C. General Assembly, and publication in the State Register. The proposed 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 affected facilities during the permitting process.

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

The Department proposes to amend R.61-62, Air Pollution Control Regulations and Standards, to codify and update "General" language.

The Department also proposes to amend R.61-62.1, Definitions and General Requirements, and the SIP:

- a. (Section I, Definitions) to modify the definition for "Commissioner" to include the term "Director;" to add definitions for the terms "Code of Federal Regulations (CFR)," "NAICS Code," and "SIC Code;" and to strike the majority of the definition for "Volatile Organic Compound" (VOC) which includes an exemptions list. The exemptions list for VOC is amended on an almost annual basis and requires a SIP amendment. Therefore, the Department is proposing to reference 40 CFR 51.100(s) as the federal definition is often amended before the Department is able to complete the process outlined in the Administrative Procedure Act.
- b. (Section II, Permit Requirements) to update the activities list which an owner or operator may undertake prior to obtaining a construction permit; to update and streamline exemption thresholds for construction permits; to outline construction permit requirements for sources of VOCs; to update and clarify construction permit application requirements; to streamline and update general construction permit requirements; to clarify and update operating permit renewal request requirements; to strike the Department's requirement to public notice registration permits; to update and streamline registration permit text; to update and streamline transfer of ownership/operation requirements; and to amend the Department's public participation procedures to allow for posting on the Department's website.
- c. (Section III, Emissions Inventory) to incorporate into South Carolina regulatory text and the SIP the Clean Air Act requirement for sources in ozone nonattainment areas to submit an annual emissions statement; and to update and clarify annual and three-year emissions inventory reporting requirements as current regulatory text and format was found by owners and operators to be confusing. No new reporting requirements are included in these changes.
- d. (Section IV, Source Tests) to incorporate provisions from two Final Rules published by the Environmental Protection Agency (Restructuring of the Stationary Source Audit Program (SSA) (75 FR 55636) and Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing (PGVP Rule) (76 FR 17288)). This proposal is being made to reflect a change in EPA's SSA program. EPA no longer provides the Department with audit samples for sources. Source owners, operators, and representatives must purchase samples from an Audit Sample Provider when a sample is commercially available. The Department also proposes to clarify air emissions testing and reporting requirements and to add language to reflect federal testing competency requirements as found in the PGVP Rule which does not affect state testing.

The Department also proposes to amend R.61-62.5; Standard 1, Emissions from Fuel Burning Operations, and Standard 4, Emissions from Process Industries, and the SIP to incorporate comments from a previous regulatory action which did not require General Assembly review. The Department evaluated the comments received and determined to propose to exempt sources subject to an opacity standard under 40 CFR 60 from state opacity standards outlined in Standard 1; streamline sulfur dioxide emission standards in Standard 1; change reporting requirements from quarterly to semi-annual periods to reflect federal requirements; update state regulations that have been made obsolete by a National Emission Standard for Hazardous Air Pollutants and/or New Source Performance Standard; and strike total reduced sulfur periodic testing requirements from Standard 4.

The Department also proposes to amend R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to make the state definition of applicability more consistent with the federal definition found in 40 CFR Section 63.40(b) and to move the "Note" regarding state authority to the beginning of R.61-62.63 for clarity and usability.

The Department also proposes to amend R.61-62 to reflect minor revisions aimed at enhancing the clarity and usability of these regulations per the 5-year audit.

The intent of these amendments is to simplify and correct certain issues in our regulatory guidelines to support the Department's goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, and the SIP are adopted.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. Amendments to R.61-62.1, Definitions and General Requirements, will have various positive economic effects. Striking the text of the definition for Volatile Organic Compounds will save the Department man-hours in that most End of the Year Revision processes will no longer require a SIP amendment due to a change in the VOC exemption list. Expanding the list of activities which may take place prior to obtaining a construction permit and updating exemption thresholds for construction permits in an effort to mirror exemption thresholds with the Title V Insignificant Activity List will reduce some of the economic burden of source owners and operators. Allowing the Department to develop emission thresholds to exempt sources without further review will save the Department and sources man-hours. Streamlining permit requirement and renewal language will reduce the economic burden to source owners by enabling them to submit complete and correct permit applications and transfer of ownership documentation in a timely fashion. Striking the requirement for the State to public notice registration permits and allowing the State to public notice other permits on the Department's website will save the State public notification funds. The cost of the amendments to the Stationary Source Audit Program have previously been incurred by the regulatory community as program changes are already effective and applicable to the regulated community as a matter of federal law.

Amendments to R.61-62.5, Standard 1, Emissions from Fuel Burning Operations, and Standard 4, Emissions from Process Industries, will reduce the economic burden on source owners as efforts are being made to streamline state requirements with current New Source Performance Standards and National Emission Standards from Hazardous Air Pollutants from Source Categories. This effort will also reduce reporting frequencies and testing requirements.

The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use which will reduce economic burden.

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:

The proposed amendments to R.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:

There will be no detrimental effect on the environment and/or public health associated with these revisions. Rather, State's authority to implement programs for which the State has been delegated authority, which are beneficial to public health and the environment, would be compromised if these amendments were not adopted in South Carolina. Permit streamlining and regulatory text clarification will have a positive effect on both the environment and public health.

Statement of Rationale:

The Department began this process by developing an internal workgroup to evaluate the existing air quality regulations to provide clarification, delete or update obsolete requirements, and correct typographical errors as necessary and in response to comments received from a pervious regulatory action which did not require General Assembly review.

The Department also held an external stakeholder meeting to take recommendations and comments on those regulatory amendments identified by the workgroup. No germane comments were received during the external stakeholder process, but the amendments to R.61-62 and the SIP were developed by Department consensus. These regulatory amendments will provide clarity and specificity to the existing regulations, omit obsolete requirements, and provide additional permitting options to the regulated community.

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. 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

Preamble:

- (1) 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 proposes to amend Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of Volatile Organic Compounds (VOCs) promulgated by the federal Volatile Organic Compounds-Exclusion rule "Revision to Definition of trans-1,3,3,3-tetrafluoropropene" (77 FR 37610, June 22, 2012). The Department also proposes to amend 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 proposes to amend 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 proposes other 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 proposed amendments will not be more stringent than current federal requirements and thus do not require legislative review.

A Notice of Drafting was published in the *State Register* on May 24, 2013, to initiate the statutory process to amend R.61-62. The Department did not receive any comments. Notice of the Department's intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. Since these amendments are consistent with federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed 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.

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 strike 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 strike 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 strike 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 9304, February 16, 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 strike 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.

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 VVVVV, 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 FFFFFF 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 HHHHHHH 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 strike the parentheses before and after the second instance of the text " (PM_{10}) " to correct a typographical error.

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

Paragraph (b)(4)(ii) shall be revised to strike 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.

Notice of Public Comment Period:

Interested persons are provided an opportunity to submit written comments to Anthony T Lofton by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-4487; or by e-mail at loftonat@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2013, the close of the comment period. Comments received during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Anthony T Lofton at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-7217; or by emailing loftonat@dhec.sc.gov. A copy may also be obtained on the Department's Regulatory Information Internet Site at http://www.scdhec.gov/administration/regs/ in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R.61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on November 14, 2013. The public hearing is to 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, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: http://www.scdhec.gov/administration/board-agenda.htm. 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 to the Clerk of the Board for inclusion for the record.

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 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 New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories.
- The Department proposes to amend Regulation 61-62.1, Definitions and General Requirements, to incorporate an amendment to the definition of Volatile Organic Compounds (VOCs) promulgated by the federal "Revision Volatile rule to Definition of Organic Compounds-Exclusion trans-1,3,3,3-tetrafluoropropene" (77 FR 37610, June 22, 2012). The Department also proposes to amend 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 proposes to amend 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 proposes other 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 proposed amendments will not be more stringent than current federal requirements and thus do not require legislative review.

Legal Authority: The legal authority for R.61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The proposed amendments will 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 proposed 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 PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (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.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from these proposed 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 proposed 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 proposed amendments to R.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.

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. 4386 **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**CHAPTER 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

30-1. Statement of Policy

30-5. Exceptions

30-9. Other Provisions

30-13. Specific Project Standards for Beaches and the Beach/Dune System

30-15. Activities Allowed Seaward of Baseline

Preamble:

The proposed regulatory changes will amend certain Coastal Division regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. In 2010, the Board of Health and Environmental Control appointed a Blue Ribbon Committee on Shoreline Management and charged the Committee with developing specific recommendations to guide the stewardship of South Carolina's beachfront shorelines. Comprised of representative stakeholders, elected officials, and leading legal and academic experts, the Committee worked over two years to evaluate the past two decades of experiences under the South Carolina Beachfront Management Act (Section 48-39-250 et seq.). The Committee examined current conditions, considered outcomes of an ad hoc technical committee on shoreline change, and made recommendations for improvements in management of the state's beachfront jurisdictional area. These proposed changes are based on the Blue Ribbon Committee's final recommendations.

The Department proposes to amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions and administrative procedures for issuance of emergency orders within the state's beachfront jurisdiction. The proposed changes will provide more clarification to the regulations, enabling Department staff to administer more effectively the regulatory program of the Coastal Division.

A Notice of Drafting for the proposed amendments was published in the State Register on June 28, 2013. Notice was also published on the Department's Regulatory Information Internet site in its monthly Regulation Development Update. The proposed amendments require legislative review.

Section-by-Section Discussion of Proposed Revisions:

SECTION AND EXPLANATION OF CHANGE

R.30-1.D(20)

Revise the definition of "emergency order" to add language to clarify that emergency orders are issued in response to an emergency, and add reference to the section regarding notification requirements of emergency orders.

R.30-5.A(1)

Revise this subsection to add reference to the subsection to clarify emergency order exceptions. Add items A(1)(a) and (b) to identify the authorities responsible for issuance of emergency orders.

R.30-5.B

Revise the title of this section to provide clarity and add new subsection B(1) to specify the authority to issue emergency orders and the conditions that must apply. Existing B(1) is renumbered to B(2) and language is modified to specify which emergency order activities require notification to the Department. Existing B(2) is renumbered to B(3) and language is added to clarify the timeframe for notifying the Department of issued emergency orders, and add reference to the items required within the notification. Existing B(3) is renumbered to B(4).

R.30-9.B

Language is added to include emergency orders as activities for which the Department may require a bond or proof of financial responsibility.

R.30-13.Q(1)

Language is added to provide additional emergency option as temporary protection for golf courses and add reference to the subsections regarding emergency order provisions.

R.30-15.F(4)

Language is added to specify additional conditions to consider when evaluating a request for a special permit.

R.30-15.H

Revise this section to amend definition of imminent danger, and clarify that the Department may also issue emergency orders. Revise subsection H(1) to specify the authority to issue emergency orders for sandbags is vested in the Department and the conditions that must apply, define 'critical public infrastructure', and delete items (a) through (g). Add new subsection H(2) to specify the process for issuing emergency orders for sandbags and the requirements of the petitioner for securing an order. Add new subsection H(3) to specify standards required for sandbag use. Existing H(2) is renumbered to H(4) and language is modified to specify the authorities responsible for issuing emergency orders for sand scraping and the conditions that must apply. New item H(4)(b) is added to allow sand scraping as an emergency option for temporary protection of golf courses and remaining items are renumbered. New item H(4)(h) is added to specify what funding is available for sand scraping. Existing subsection H(3) is renumbered to H(5) and language is modified to specify the authorities responsible for issuing emergency orders for renourishment and the conditions that must apply. New items H(5)(e) and (f) are added to clarify that renourishment may be used as temporary protection for golf courses and specify what funding is available for emergency renourishment.

Notice of Staff Informational Forum:

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 September 23, 2013 at 4:00 p.m. in the 3rd floor conference room at the Department of Health and Environmental Control offices at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to expand opportunity for interested persons to contribute input on the proposed regulations.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Elizabeth von Kolnitz, Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; e-mail brc@dhec.sc.gov; telephone number (843) 953-0200; fax (843) 953-0260. Written comments must be received no later than 5:00 p.m. September 23, 2013, the close of the public comment period. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulations for public hearing on November 14, 2013, as noticed below. Comments received shall 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 noticed below.

Copies of the proposed amendments for public comment as published in the State Register on August 23, 2013 may be obtained in the Department's Regulation Development Update on the Department's Regulatory internet site under the Ocean and Coastal Resources Category at: http://www.dhec.sc.gov/administration/regs/reg-update.htm. A copy can also be obtained by contacting Elizabeth von Kolnitz, at Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; e-mail brc@dhec.sc.gov; telephone number (843) 953-0200; fax (843) 953-0260.

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 of the Coastal Division regulations at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on November 14, 2013, at 10:00 a.m. The public hearing will be held in the Board Room, Third Floor, Aycock Building of the 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 at the Department of Health and Environmental Control and can be accessed on the internet at http://www.scdhec.gov/administration/board.htm, or 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 and, as a courtesy, are asked to provide written comments of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

The Department estimates minimal additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these amendments; therefore, no additional state funding is being requested. Existing staff and resources have been utilized in preparation of these amendments and will further be utilized in the regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION:

R.30-1. Statement of Policy

R.30-5. Exceptions

R.30-9. Other Provisions

R.30-13. Specific Project Standards for Beaches and the Beach/Dune System

R.30-15. Activities Allowed Seaward of Baseline

Purpose: These proposed regulatory changes will amend the Department's Coastal Division regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. These proposed changes are based on the Blue Ribbon Committee on Shoreline Management's final recommendations and would amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions, and administrative procedures for issuance of emergency orders within the state's beachfront jurisdiction. The proposed changes will provide more clarification to the regulations, enabling Department staff to administer more effectively the regulatory program of the Coastal Division.

Legal Authority: S.C. Code Section 48-39-10 et seq., Coastal Tidelands and Wetlands Act, 1976.

Plan for Implementation: The proposed amendments will amend the Coastal Division regulations upon approval of the Board of Health and Environmental Control and the General Assembly, and publication in the State Register. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

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

These amendments are necessary to (1) implement S.C. Code Section 48-39-130, which addresses the permitting of activities in the critical area; (2) implement the stated policies of the South Carolina Beachfront Management Act (S.C. Code Section 48-39-260); (3) add clarity to existing regulations; and (4) enable Department staff to administer more effectively the regulatory program of the Coastal Division.

DETERMINATION OF COSTS AND BENEFITS:

- 1) Promulgation and administration of this amendment is estimated to have minimal economic impacts to the state. Benefits to the state will include improved management of coastal resources through increased clarity of the regulations and better protection of important habitats.
- 2) Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or result in cost increases to the general public. Those regulated may be required to provide a financially binding commitment to ensure compliance with conditions for the temporary protection measures afforded under the amendments. This commitment will ensure that the cost of compliance is not transferred to the state, its political subdivisions, or the general public. Public benefits will be evident in improved management of coastal resources through increased clarity of the regulations and better management of public trust lands.

See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will refine the Department's ability to manage public usage of coastal resources, and will enable the Department to provide a more effective response to those seeking to utilize the public trust areas of the coastal zone.

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

Non-implementation of the regulations as proposed will hinder the Department's Coastal Division statutory directives to manage the state's coastal environment for its citizens.

Statement of Rationale:

These revisions are proposed to ensure effective management of the beaches and beach/dune system critical areas of the coastal zone. They provide additional clarity and specificity to the existing regulations that address the management of the state's beaches and beach/dune system, evaluation of beachfront permit applications and notifications, and administrative procedures for issuance of emergency orders within the state's beachfront jurisdiction. The revisions are based on the recommendations of two broad-based stakeholder committees, the Blue Ribbon Committee on Shoreline Management and the Shoreline Change Advisory Committee. The development of the proposed revisions relied on the experience and professional judgment of the Department's staff, as well as the suggestions of the stakeholder committees.

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. 4390 **BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS**

CHAPTER 93

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

93-50 through 93-260. Board of Long Term Health Care Administrators

Preamble:

To satisfy the requirements of licensure for long term health care administrators, the Board is updating its regulations in conformance with the Long Term Health Care Administrators Practice Act and current practice.

Section-by-Section Discussion:

93-50. General Definitions.

- A. Revises for clarity.
- B.-C. No changes.
- D.-E. Revises for clarity.
- F.-J. No changes.
- K.-L. Revises for clarity.
- M. No changes.
- N. Deletes minimum hours; rewords for clarity.
- O.-R. No changes.

- S. Rewords for clarity; adds Independent Living Community.
- T.-U. No changes.
- V. Adds new definition for Community Residential Care Facility Administrator work experience.
- W. Adds new definition for work experience in a health related field other than in a community residential care facility.
- 93-60. Board of Examiners; Officers and Duties.

No changes.

93-65. Operating a Facility Without a License.

No changes.

- 93-70. Pre-examination and Licensing Requirements.
 - A. Rewords for clarity.
 - (1)(a)-(c) No changes.
- (d) Renumbers subsections 1.-3. as roman numerals i.-iii.; adds that a degree higher than a baccalaureate degree in health care administration or health care related degree is acceptable along with the required experience; replaces 3. with new iii. requiring a health related associate degree from an accredited college or university with three years of practical experience in nursing home administration.
 - (e)-(g) No substantive changes.
 - (2)(a)-(c) No changes.
- (d) Deletes text and adds that a Community Residential Care Facility Administrator must have a Baccalaureate degree or higher with at least six months of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator; a health related Associate degree with at least nine months of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator; or a non-health related Associate degree or be a licensed practical nurse with at least one year of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator.
- (e) New section; requires that an applicant submit a completed application which has been approved by the Board;
- (f) New section; requires that an applicant successfully complete the community residential care facility administrator's examination; and
- (g) New section; requires that an applicant pay the application, examination and licensing fees according to 93-100.
 - B. Adds words for clarity.
 - C.-D. No changes.
- 93-80. Administrator-in-Training Program Requirements.
 - A.1. Rewords for clarity; adds "or a health care related degree" in (a).
 - 2. Revises for clarity.
 - B. Corrects typographical error.
 - C. No changes.
 - D. Rewords and renumbers for clarity.
 - E. Rewords for clarity.
 - F.-L. No changes.

93-100. Fees [and Fee Schedule].
AB. No changes.C. Rewords for clarity.DE. No changes.ATTACHMENT A. Adds \$50 late fees as currently charged and \$30 insufficient fund fee.
93-110. Examination; Scheduling and Grading.
AC. No changes. D. Rewords for clarity. EK. No changes.
93-120. Initial Licenses.
No changes.
93-130. Provisional Licenses.
No changes.
93-150. Inactive or Retired Status Licenses.
No changes.
93-160. Registration of Licenses.
No changes.
93-170. Display of Certificate and Normal Work Hours.
No changes.
93-200. Continuing Education for Relicensure.
No changes.
93-210. Reinstatement of Lapsed License.
No changes.
93-220. Complaints.
No changes.
93-230. Suspension and Revocation of License.
No changes.
93-240. Hearing Procedure.
No changes.

93-250. Conduct of Hearing.

No changes.

93-260. Applicability, Legal Effect and Severability of Regulations.

No changes.

The Notice of Drafting was published in the State Register on October 26, 2012.

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 on October 3, 2013 at 10:00 a.m. Written comments may be directed to Lee Ann Bundrick, Administrator, South Carolina Board of Long Term Health Care Administrators, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., September 23, 2013. 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 the promulgation of these regulations.

Statement of Need and Reasonableness:

These regulations are amended in accordance with S.C. Code Ann. §\$40-1-70 and 40-35-60 regarding the promulgation of regulations. Reg. 93-50 N., the definition of practical experience in nursing home administration, is amended in conformance with S.C. Code Ann. §40-35-20(10). Reg. 93-50 V. and W., the definitions of community residential care facility administrator work experience and work experience in a health related field other than in a community residential care facility, are added in accordance with S.C. Code Ann. §40-35-40(B)(4)(a) and (b), respectively. Revisions made to licensure requirements in Reg. 93-70 are in compliance with S.C. Code Ann. §40-35-40. Reg. 93-100 establishes fees in regulation in accordance with S.C. Code Ann. §40-35-50.

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations in conformance with the Board's practice act and current practice.

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

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 Board is updating the regulations in conformance with its practice act and current practice.

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 detrimental effect on the environment. These regulations contribute to the Board's function of protecting public welfare 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 the Board's practice act and current practice.

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. 4389

BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-70

- 115-1. General Licensing Provisions
- 115-2. Speech-Language Pathology Assistants
- 115-3. Supervised Professional Employment (SPE)
- 115-4. Audiology License Hearing Aid Dispensing
- 115-5. Telepractice
- 115-6. Continuing Education
- 115-7. Code of Ethics

Preamble:

To satisfy the requirements of licensure in the field of speech-language pathology and audiology, Regulations 115-1 through 115-7 must be updated in conformance with the current Board of Speech-Language Pathology and Audiology Practice Act.

Section-by-Section Discussion:

Repeals Article 1 and original 115-1 Definitions section since definitions are in the statute.

115-1. General Licensing Provisions.

Renumbers section; changes subheading Article 2 as Article 1 for Licensing Provisions.

- (A) Corrects typographical error in the first sentence.
- (1) Adds "with regional accreditation" after "school or program" and corrects organizational reference to an American Speech-Language Hearing Association (ASHA) Council.
 - (2) Changes "minimum score of 600" to "passing score."
 - (3) No changes.
 - (B) New section; provides licensure requirements for audiologists with a Masters in Audiology.
 - (C) New section; provides licensure requirements for audiologists with a Doctorate in Audiology.
 - (D) Numbers paragraphs for clarity.

115-2. Speech-Language Pathology Assistants.

Renumbers section.

- (A) Numbers introductory sentence for clarity; adds "from a regionally accredited institution" to the end of (3).
- (B) Numbers second paragraph for clarity; adds that degree must be from a regionally accredited institution; adds "direct client contact" before "clinical practicum" and adds "excluding observation hours."
 - (C) Renumbers former (A).
- (1) Changes "Correction" to "Therapy" and adds a hyphen and "Language" after "Speech"; adds clarification for 100 clock hours.
 - (2) No changes.
- (3) Deletes "and/or Correction" and adds a hyphen and "Language" after "Speech"; deletes "Pathological Speech Disorders"; changes "Psychogenic Speech Disorders" to "Speech-Language Disorders".
 - (4) Lowercases "reading."
 - (5) No changes.
 - (6) No changes.
 - (D) Renumbers former (B).
 - (1) No changes.
- (2) Adds that speech-language pathologist must have a minimum of 3 years of work experience to supervise assistants; corrects typographical error.
- (3) Provides for maximum of 3 speech-language pathology assistants per speech-language pathologist and defines full time as a minimum of 30 hours.
 - (4)-(8) No changes.
 - (E) Renumbers former (C).
- (F) Renumbers former (D) for clarity; adds e-mail and electronic means to methods of communication between a speech-pathology assistant and supervisor.
 - (G) Renumbers former (E) and rewords for clarity.
 - (H) Renumbers former (F) and rewords for clarity.
 - (I) Renumbers former (G) and rewords for clarity.
- (J) Renumbers former (H), subsequent subsections, and rewords for clarity; adds that checks and maintenance of equipment must occur on a regular basis and calibration annually on audiometric equipment; deletes (k).
 - (K) Renumbers former (I) and rewords for clarity.

115-3. Supervised Professional Employment (SPE).

Renumbers section.

- (A) Adds that supervised professional employment (SPE) is required by the board.
- (B) Corrects typographical error.
- (C)-(D) No changes.
- (E) New subsection; adds that the SPE supervisor shall only supervise 3 interns at one time.

115-4. Audiology License - Hearing Aid Dispensing.

Renumbers section.

- (A) Rewords for clarity and adds language regarding the prospective user's age.
- (B) Corrects a typographical error.
- (C) Rewords for clarity and changes "a minor" to "not 18 years old or older."
- (D)-(E) No changes.

115-5. Telepractice.

New section and subheading Article 2; adds provisions for telepractice for licensees and staff.

115-6. Continuing Education.

- (A)(1) Provides name of ASHA with abbreviation for consistency and gives abbreviation for American Academy of Audiology in parentheses.
 - (2) Corrects and updates organizational names for clarity.
 - (3) Adds that "a regionally" before "accredited college or university".
 - (4) No changes.
 - (B) No changes.
- (C) Provides requirements of independent study and changes amount of continuing education hours to be received from it from "one-fourth" (or 4 hours per renewal period) to "two hours."
 - (D) New subsection; adds that continuing education requirements may be met by online courses.
- (E) Renumbers former (D); adds that instructors may receive continuing education credit for preparing and teaching courses, including online and electronic courses, once per course.
 - (F) Renumbers former (E); adds "continuing education" before "information."
 - (G) Renumbers former (F); rewords for clarity.

115-7. Code of Ethics.

Renumbers section.

Principle 1: Changes "Members" to Individuals" for consistency.

Rule 1a-Rule1b: No changes

Rule 1c: New subsection; adds that individuals shall not engage in sexual activity with a patient or former patient within the past two years.

Principle 2-Principle 6: No changes.

The Notice of Drafting was published in the State Register on November 23, 2012.

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 2:00 p.m. on October 3, 2013. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Examiners in Speech-Language Pathology and Audiology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, or by email to Veronica.Reynolds@llr.sc.gov, no later than 5:00 p.m., September 23, 2013. 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 the promulgation of these regulations.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Speech-Language Pathology and Audiology Practice Act. Former Reg. 115-1 is repealed in accordance with S.C. Code Ann. §40-67-20. Current Reg. 115-1 provides further licensure requirements for audiologists in compliance with S.C. Code Ann. §40-67-220. Reg. 115-2 establishes guidelines speech-language pathology assistants in accordance with S.C. Code Ann. §40-67-220(D). Reg. 115-3 specifies supervised professional employment in compliance with S.C. Code Ann. §40-67-220(B)(1)(c). Reg. 115-4 provides guidelines for audiologists dispensing hearing aids in accordance with S.C. Code Ann. §40-67-20(3). Reg. 115-5 defines and gives guidelines for telepractice in compliance with S.C. Code Ann. §40-67-70. Reg. 115-6 further expands upon continuing education requirements in accordance with S.C. Code Ann. §40-67-260(D). Reg. 115-7 updates the code of ethics in compliance with S.C. Code Ann. §40-67-290.

DESCRIPTION OF REGULATION:

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

Legal Authority: 1976 Code Sections 40-1-70 and 40-67-70.

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 the practice act.

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 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 these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Examiners in Speech-Language Pathology and Audiology Examiners Practice Act.

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.