

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published November 27, 2015

Volume 39 Issue No. 11

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.

2015 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	1/9	2/13	3/13	4/10	5/8	6/12	7/10	8/14	9/11	10/9	11/13	12/11
Publishing Date	1/23	2/27	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/27	12/25

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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 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.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4527			Consumer Credit Counseling Requirements	1/12/16	Department of Consumer Affairs
4533			South Carolina National Guard College Assistance Program	1/13/16	Commission on Higher Education
4534			South Carolina National Guard Student Loan Repayment Program	1/13/16	Commission on Higher Education
4524			Suspension of Certification Due to Criminal Charges and/or Indictment	1/14/16	South Carolina Criminal Justice Academy
4543			Standards for Licensing Nursing Homes	2/28/16	Department of Health and Envir Control
4552			Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	3/14/16	Department of Health and Envir Control
4553			Standards for Licensing Hospices	3/27/16	Department of Health and Envir Control
4562			Board of Long Term Health Care Administrators	3/28/16	LLR-Board of Long Term Health Care Administrators
4563			Local Emergency Preparedness Standards	4/05/16	Office of the Governor
4564			Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	4/25/16	Department of Health and Envir Control
4565			Underground Storage Tank Control Regulations	4/25/16	Department of Health and Envir Control
4566			Examination Attempts, Apprenticeship, and Continuing Education Requirements	5/11/16	LLR-Board of Examiners in Opticianry
4573			Continuing Education in Sterilization and Infection Control	5/11/16	LLR-Board of Dentistry
4574			Pilot Registration	5/11/16	LLR-Commissioners of Pilotage
4567			Crabmeat	5/11/16	Department of Health and Envir Control
4568			Standards for Licensing Tattoo Facilities	5/11/16	Department of Health and Envir Control
4569			Standards for Permitting Body Piercing Facilities	5/11/16	Department of Health and Envir Control
4570			Natural Public Swimming Areas	5/11/16	Department of Health and Envir Control
Committee Request Withdrawal					
4539			Consumer Electronic Equipment Collection and Recovery	Tolled	Department of Health and Envir Control
Resolution Introduced to Disapprove					
4551			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control
4538			Certification of Need for Health Facilities and Services	Tolled	Department of Health and Envir Control

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
4527	Consumer Credit Counseling Requirements	Labor, Commerce and Industry	Banking and Insurance
4533	South Carolina National Guard College Assistance Program	Education and Public Works	Education
4534	South Carolina National Guard Student Loan Repayment Program	Education and Public Works	Education
4524	Suspension of Certification Due to Criminal Charges and/or Indictment	Judiciary	Judiciary
4543	Standards for Licensing Nursing Homes	Regulations and Admin. Procedures	Medical Affairs
4552	Horse Meat and Kangaroo Meat; Fairs, Camp Meetings, and Other Gatherings; Camps; Mobile/Manufactured Home Park; Sanitation of Schools; and Nuisances	Regulations and Admin. Procedures	Medical Affairs
4553	Standards for Licensing Hospices	Regulations and Admin. Procedures	Medical Affairs
4562	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4563	Local Emergency Preparedness Standards	Regulations and Admin. Procedures	General
4564	Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions	Regulations and Admin. Procedures	Medical Affairs
4565	Underground Storage Tank Control Regulations	Regulations and Admin. Procedures	Medical Affairs
4566	Examination Attempts, Apprenticeship, and Continuing Education Requirements		
4573	Continuing Education in Sterilization and Infection Control		
4574	Pilot Registration		
4567	Crabmeat		
4568	Standards for Licensing Tattoo Facilities		
4569	Standards for Permitting Body Piercing Facilities		
4570	Natural Public Swimming Areas		
Committee Request Withdrawal			
4539	Consumer Electronic Equipment Collection and Recovery	Labor, Commerce and Industry	Agriculture and Natural Resources
Resolution Introduced to Disapprove			
4551	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4538	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs

Executive Order No. 2015-23

WHEREAS, by Executive Order 2015-21, a state of emergency was declared in South Carolina due to a heavy rainfall, flash flooding, and the effects of Hurricane Joaquin that occurred beginning on October 1, 2015; and

WHEREAS, it became necessary for many banks and savings and loan institutions to close as a result of the hazardous weather that occurred beginning on October 1, 2015; and

WHEREAS, Section 53-5-55 of the South Carolina Code of Laws authorizes the Governor to declare legal holidays for banks and savings and loan institutions whenever the Governor finds such additional holidays to be necessary or appropriate;

WHEREAS, banks and savings and loan institutions in South Carolina were forced to close through October 7, 2015; and

WHEREAS, it is necessary and appropriate to declare as legal holidays the days on which the banks were closed.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina Code, I hereby declare October 1, 2, 3, 4, 5, 6, and 7 to be legal holidays for banks and savings and loan institutions in the State of South Carolina.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF OCTOBER, 2015.**

NIKKI R. HALEY
Governor

Executive Order No. 2015-24

WHEREAS, by Executive Order 2015-21, a state of emergency was declared in South Carolina due to heavy rainfall and flash flooding beginning on October 1, 2015, which includes the need to promote public safety and welfare; and

WHEREAS, on October 5, 2015, a Presidential Major Disaster Declaration was issued for several South Carolina counties, and counties continue to be added to this Declaration; and

WHEREAS, in preparation for the onset of this natural disaster and since, law enforcement has been working tirelessly to respond in the counties included in the Presidential Major Disaster Declaration and law enforcement agencies in those counties have identified a need for additional law enforcement officers to maintain the public peace and welfare; and

WHEREAS, S.C. Code Section 23-20-10, et seq. requires law enforcement agencies to enter into contractual agreements with other law enforcement providers for additional officers when it is necessary for the proper and prudent exercise of public safety functions and such agreements must be approved by the appropriate state, county, or local law enforcement authority's chief executive officer, and

4 EXECUTIVE ORDERS

WHEREAS, Sheriff A. Lane Cribb on behalf of Georgetown Sheriff's Office and several other law enforcement agencies has requested that the Governor waive the written contractual agreement requirements in order to allow law enforcement providers to expediently provide additional law enforcement officers to law enforcement agencies in impacted areas; and

WHEREAS, S.C. Code Section 23-20-60 allows the Governor by Executive Order to waive the requirement for a written contractual agreement for law enforcement services during a natural disaster or other emergency affecting public safety.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby waive the requirement, as needed, for written contractual agreements for the limited purpose of law enforcement providers to provide law enforcement services to law enforcement agencies located in a county included in the Presidential Major Disaster Declaration.

The waiver shall remain in effect for 14 days or until the emergency condition ceases to exist, whichever is less.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 15th DAY OF OCTOBER, 2015.**

NIKKI R. HALEY
Governor

Executive Order No. 2015-25

WHEREAS, 20 counties in South Carolina have been declared disaster areas by a Presidential Major Disaster Declaration, and it is anticipated that additional counties may be added to the Declaration; and

WHEREAS, the flash flooding and heavy rains in these declared counties caused extensive damage to dams, water systems, roads, bridges, homes, and businesses and have left many individuals without food, water, shelter or other basic necessities and have left communities to cope with infrastructure, public safety, and public health concerns.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby declare that a State of Emergency exists in those 20 counties of South Carolina declared federal disaster areas and any other counties that may be added to the declaration and direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the effects of the flash flooding and heavy rains.

FURTHER, I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty pursuant to my authority under Section 25-1-1840 of the South Carolina Code of Laws, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the utilization of the South Carolina National Guard's personnel with appropriate equipment, at the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this state.

Further proclamations and regulations deemed necessary to insure the fullest protection of life and property during this state of emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 15th DAY OF OCTOBER, 2015.

NIKKI R. HALEY

Executive Order No. 2015-26

WHEREAS, on October 15, 2015, I issued Executive Order 2015-25, declaring a State of Emergency for response and recovery operations for the damage caused by significant rain and flooding for the counties in South Carolina declared federal disaster areas under the Presidential Major Disaster Declaration; and

WHEREAS, the State, in coordination with the federal government, has undertaken efforts to help citizens, businesses, and property owners recover from the devastating effects of the flood; and

WHEREAS, the United States Department of Homeland Security's Federal Emergency Management Agency has appointed a Federal Disaster Recovery Coordinator pursuant to the National Disaster Recovery Framework, and it is proper and fitting that I appoint a state counterpart to guide the short- and long-term recovery efforts of the counties declared federal disaster areas.

NOW, THEREFORE, by the virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby appoint Kevin A. Shwedo as the State Disaster Recovery Coordinator for the State of South Carolina to coordinate with the Federal Disaster Recovery Coordinator and federal agencies along with local governments, businesses, nonprofits, and other organizations to establish short- and long-term recovery plans for the counties declared federal disaster areas under the Presidential Major Declaration.

FURTHER, I hereby direct the State Disaster Recovery Coordinator to make recommendations to the Governor for short- and long-term recovery efforts based upon an assessment of areas including but not limited to Community Planning and Capacity Building Recovery, Economic Recovery, Infrastructure Systems Recovery, Natural and Cultural Resources Recovery, Health and Social Services Recovery, and Housing Recovery.

I shall direct resources to the State Disaster Recovery Coordinator as deemed necessary to fulfill this mission.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19th DAY OF OCTOBER, 2015.

NIKKI R. HALEY
Governor

6 EXECUTIVE ORDERS

Executive Order No. 2015-27

WHEREAS, on October 1, 2015, by Executive Order 2015-21 the Governor issued a Declaration of a State of Emergency due to impending flash flooding, heavy rains, and the potential effects of Hurricane Joaquin. Parts of the State sustained extensive damages as a result of the heavy rains and flooding, leading to road and bridge closures, boil water advisories, compromised dams and power outages, which pose a threat to the health, safety, and welfare of citizens; and

WHEREAS, as a result of these hazardous conditions, state government offices were closed, delayed, or released early in accordance with county government offices as follows: On October 2, 2015, state offices in Berkeley, Charleston, and Dorchester counties closed at noon. On October 5, 2015, state offices in Berkeley, Calhoun, Charleston, Clarendon, Dorchester, Fairfield, Florence, Horry, Kershaw, Lee, Lexington, Richland, Saluda, and Williamsburg counties were closed, and Sumter county was closed for non-essential personnel. On October 5, 2015, state offices were delayed in Darlington, Georgetown, Laurens, and McCormick counties. On October 6, 2015, Clarendon, Dorchester, Fairfield, Lee, Lexington, Kershaw, Orangeburg, Richland, Saluda, Sumter, and Williamsburg counties were closed, and Florence county was delayed. On October 7, 2015, Williamsburg and Dorchester counties were closed, and Clarendon and Sumter counties were delayed. On October 8, 2015, Richland and Williamsburg counties were closed, and Sumter county was delayed. On October 9, 2015, Richland and Williamsburg counties were closed. On October 12, 2015, Lancaster and Orangeburg counties were delayed; and

WHEREAS, as a result of road and bridge closures, sanitation concerns, or facility damage, state government offices were closed, delayed, or released early as outlined in Attachment A; and

WHEREAS, other state government offices may have closed for “the necessary immediate evacuation of a facility by an individual in an appropriate supervisory capacity in the interest of personal safety” pursuant to State Human Resources Regulation 19-712.01 (K); and

WHEREAS, pursuant to Section 8-11-57 of the South Carolina Code of Laws, the governor of this State may authorize leave with pay for affected state employees who are absent from work due to the closing of state offices when the Governor declares a state of emergency.

NOW, THEREFORE, pursuant to the authority vested in me by the laws and Constitution of the State of South Carolina, I hereby grant leave with pay to state employees absent from work as directed and outlined above, due to the closing of state offices caused by hazardous conditions during a declared state of emergency.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 20th DAY OF OCTOBER, 2015.**

**NIKKI R. HALEY
Governor**

ATTACHMENT A

DATE	AGENCY/OFFICE	IF PARTIAL CLOSURE, HOURS CLOSED	REASON (IF PROVIDED)
10/9/2015	The State Board for Technical and Comprehensive Education in Lexington County	Closed all day	unsafe water
10/7/2015	SCDOT Headquarters in Richland County	Closed all day	drinking water and sanitation issues
10/7/2015	LLR Monticello Road facility (Fire & Life Safety)	Closed all day	Unable to access Monticello Rd. facility
10/7/2015	PEBA	Office closed at 3:30	water issues in the building
10/6/2015	Francis Marion University	Closed all day	Commuting issues for staff and students due to road closures
10/6/2015	Coastal Carolina University	Delayed open at 10:50 AM	Determining safety issues due to flooding of some facilities
10/5/2015	DJJ Orangeburg County Office	Closed all day	Floodings and road closures
10/5/2015	DJJ Pickens County Office	Closed all day	Multiple electrical issues/dangerous environment
10/5/2015	DJJ Newberry County Office	Closed all day	Staff not able to get to the office due to road and bridge closings
10/7/2015	DJJ Richland County Office	Closed 2:00 PM to 5:00 PM	Electrical problems in the courthouse buildings
10/8/2015	DJJ Georgetown County Office	Closed 2:30 PM to 5:00 PM	Weather conditions
10/8/2015	PRT Colonial Dorchester (Dorchester County)	Closed all day	Flooded Roads
10/10 - 10/13	PRT Sesquicentennial (Richland County)	Closed all day	Road issues and Threat of dam breaking
10/6 -10/15	PRT Hampton Plantation (Charleston County)	Closed all day	No restrooms/Flooded roads
10/6 -10/7	PRT Myrtle Beach (Horry County)	Closed all day	Sewer problems
10/4/2015	PRT Edisto Beach (Colleton County)	Closed all day	Flooded roads/park
10/5 -10/6	Denmark Technical College (Bamberg County)	Closed all day	Commuting issues for employees due to road closures
10/5/2015	School for the Deaf and the Blind (all staff)	Closed all day	Campus damage
10/6 -10/9	School for the Deaf and the Blind (2nd and 3rd Shifts)	Closed	Bus and transportation issues for students

8 EXECUTIVE ORDERS

10/5/2015	Lander University	Closed	Personal safety due to flooding in the area, road closures and flooding on campus
10/7/2015	DHEC Columbia Mills Facility	Closed	Due to River and Canal Work/no water
10/7/2015	Voc Rehab Percival Rd Facility	Closed at 1:00 PM	water issues
10/3 - 10/4	PRT Horry County Welcome Center	Closed all day	Flooded Roads
10/4 -10/5	PRT Orangeburg County Welcome Center	Closed all day	Interstate 95 closed
10/5/2015	PRT Aiken, Cherokee, Dillon, Jasper, Spartanburg, York County Welcome Centers	Closed all day	Heeding the Governor's message to stay off of the roads
10/8/2015	DMH Santee Wateree MHC (Sumter County)	Closed all day	flooding
10/7/2015	Dept of Education Parklane Office	Closed all day	Personal safety concerns
10/7/2015	State Museum	Closed all day	Due to River and Canal Work/no water
10/7/2015	Procurement Review Panel	Closed all day	water issues
10/6/2015	Judicial Department Circuit and Family Court (Berkeley, Calhoun, Charleston, Darlington, Florence, Georgetown, Horry, McCormick)	Closed all day	Road conditions and flooding
10/7/2015	Judicial Department Circuit and Family Court (Berkeley, Calhoun, Charleston, Clarendon, Darlington, Fairfield, Florence, Georgetown, Horry, Kershaw, McCormick, Richland, Saluda, Sumter)	Closed all day	Road conditions and flooding
10/8 - 10/9	Judicial Department Circuit and Family Court (Berkeley, Calhoun, Charleston, Clarendon, Darlington, Fairfield, Florence, Georgetown, Horry, Kershaw, McCormick, Saluda, Sumter)	Closed all day	Road conditions and flooding
10/6/2015	DHHS Calhoun County Office	Closed all day	flooding
10/5/2015	USC Salk Allendale Campus	Closed all day	Personal safety
10/7/2015	USC Sumter	Closed all day	Concerns about roads



State of South Carolina Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

TO: Kim Aydlette, Director of the State Office of Human Resources
FROM: Holly G. Pisarik, Chief Legal Counsel to the Office of the Governor
DATE: October 23, 2015
RE: Clarification for Executive Order 2015-27

Pursuant to Section 8-11-57 of the South Carolina Code of laws, the Governor issued Executive Order 2015-27 which included information that must be clarified as follows:

In Paragraph 2, Lines 3-4, a correction should be made to include Charleston County having been closed all day on October 2, 2015, rather than closed at noon.

In Paragraph 2, Lines 4-7, a correction should be made to include Orangeburg County.

This clarification effectively grants leave with pay to state employees for a full day in Charleston County on October 2, 2015, and Orangeburg County on October 5, 2015.

10 EXECUTIVE ORDERS

Executive Order No. 2015-28

WHEREAS, either the State of South Carolina or certain counties declared to be Presidential Major Disaster areas have been under a State of Emergency since October 1, 2015, due to the effects of the historic flood; and

WHEREAS, I have been advised that Clarendon County and the City of Columbia have continued, immediate needs to make emergency repairs to essential infrastructure systems damaged by the flood; and

WHEREAS, the National Guard, possessing the personnel and equipment necessary to restore the serviceability of infrastructure, has served the local governments in South Carolina with pride and distinction during the flood response and recovery operations; and

WHEREAS, as Commander in Chief pursuant to Article IV, Section 13 of the State Constitution, I may order the National Guard into active service to perform duties as I deem proper in the event of a public disaster or local emergency whenever the lives and property of the State's citizens are threatened in accordance with Sections 25-1-1820(g) and 25-1-1840(d) of the South Carolina Code of Laws; and

WHEREAS, it is one of the highest priorities of my Administration to ensure that the State of South Carolina recovers from the historic flood efficiently, expeditiously, and in a manner that best protects the safety and welfare of the public and public property, and it is fit and proper that the National Guard continue to support these operations where the scope is beyond the capacity of a county or municipality.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Statutes of the State of South Carolina, I hereby place certain units and personnel of the National Guard on State Active Duty status for the purpose of making emergency repairs to infrastructure and direct the Adjutant General to utilize certain National Guard personnel and equipment to support restoration operations in Clarendon County, the City of Columbia, and other local governments as determined prior to November 2, 2015. I further direct the Adjutant General to coordinate operations with local officials, the South Carolina Emergency Management Division, and the Federal Emergency Management Agency.

FURTHER, I order that National Guardsmen activated in accordance with this Order shall remain on State Active Duty status until identified missions are complete but shall not be on State Active Duty status passed November 25, 2015.

Nothing herein limits the Adjutant General to provide other services performed by the National Guard or State Guard to state agencies or local governments as he and I deem necessary to accomplish statewide recovery operations.

This Order shall take effect immediately and shall expire no later than November 25, 2015.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF OCTOBER, 2015.**

**NIKKI R. HALEY
Governor**

Executive Order No. 2015-29

WHEREAS, either the State of South Carolina or certain counties declared to be Presidential Major Disaster areas have been under a State of Emergency since October 1, 2015, due to the effects of the historic flood; and

WHEREAS, the ongoing recovery efforts present a continued, emergent need to expedite the movement of vehicles and loads that are transporting equipment, materials, services, supplies, food, fuel, timber, debris, and other items; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. Part 395 and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127 in conjunction with S.C. Code § 56-5-4010 et seq., which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and time of service for commercial vehicles responding to an emergency if the Governor declares a State of Emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23, and S.C. Code § 56-5-70(A).

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby declare that an emergency exists to suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and time of service requirements as set forth below in order to ensure the delivery of equipment, materials, services, supplies, food, fuel, timber, debris, and other items in response to flooding operations throughout South Carolina and direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this Order.

IT IS FURTHER ORDERED that:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags and escorts as required in the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies a suspension of 49 C.F.R. Part 395 (drivers' hour of service). Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

12 EXECUTIVE ORDERS

This Order shall take effect on October 31, 2015. The suspension of requirements for time of service shall expire on November 29, 2015. The suspension of requirements for registration, permitting, length, width, weight, and load shall expire on January 30, 2016.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 30th DAY OF OCTOBER, 2015.**

**NIKKI R. HALEY
Governor**

**CLEMSON UNIVERSITY
DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, under Section 46-23-40 of the 1976 Code of Laws of South Carolina, as amended, the Director of Regulatory and Public Service Programs (RPSP) at Clemson University is authorized and directed to carry out operations or measures necessary to detect, eradicate, suppress, control, or prevent the spread of noxious weeds new to or not heretofore widely prevalent or distributed within and throughout the State. These measures include the declaration of quarantine in any county, or any portion thereof, when he deems that such quarantine is necessary to prevent the spread of any noxious weed. Before such quarantine is established, the Director shall give due notice of a public hearing. At such hearing, any interested party may appear and be heard, either in person or by attorney.

The federally listed noxious weed Benghal dayflower (*Commelina benghalensis*) has been identified in Dorchester County, South Carolina. The Director of Regulatory and Public Service Programs at Clemson University is proposing that a quarantine be established in the following area:

1. Dorchester County, South Carolina:

The area of Dorchester County beginning at the northeastern intersection of latitude N 33.185 and the stream known as Cattle Creek (N 33.185000, -80.689845); then extending east to Interstate I-95 (33.185000, -80.610433); then extending south to the Edisto River and the Dorchester County/Colleton County line (33.090726, -80.649830); then extending west along the Edisto River to the intersection of the aforementioned Cattle Creek (33.140872, -80.694201); and then north from the Edisto River along the main tributary of Cattle Creek back to latitude N 33.185 (33.185000, -80.689845).

In accord with SC Code Section 46-23-40, a public hearing is set for 10:00 am on Tuesday, December 15, 2015 at the Center for Applied Technology, 511 Westinghouse Rd. Pendleton, SC 29670. Questions or comments may also be sent to the Director of Regulatory and Public Service Programs at via email scole3@clemson.edu.

STATE BOARD OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

43-51. Certification Requirements

The South Carolina State Board of Education has elected to terminate the promulgation process on Document 4587.

A new drafting notice for R.43-51, Certification Requirements, was published in the October *State Register* on Friday, October 23, 2015.

14 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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

South Carolina Regulation 61-62.1, Permit Requirements, Section (II)(C)(3)(n) and Section (II)(H)(4)(i), requires that facilities requesting a construction permit or operating permit renewal submit an “air dispersion modeling analysis or *other information* (emphasis added) demonstrating that emissions from the facility, including those in the application, will not interfere with the attainment or maintenance of any ambient air quality standard.” The South Carolina Department of Health and Environmental Control (Department or DHEC) has revised the guidance document outlining the types of information that may be used as other information by facilities in satisfying the requirements for obtaining a permit. This guidance will be maintained by the Department and will be posted on the DHEC website at: <http://www.scdhec.gov/Environment/docs/OtherInformationGuidance.pdf>.

If you have questions, please contact John Glass, Division of Emissions, Evaluation, and Support at (803) 898-4074.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication November 27, 2015 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3028.

Affecting Allendale County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Allendale

Establishment of a new Home Health Agency in Allendale County at a total project cost of \$5,285.

Affecting Bamberg County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Bamberg

Establishment of a new Home Health Agency in Bamberg County at a total project cost of \$5,285.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Bamberg County

Establishment of a new Home Health Agency in Bamberg County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$8,100.

The Regional Medical Center d/b/a Home Care of the Regional Medical Center

Establishment of a new Home Health Agency in Bamberg County at a total project cost of \$0.

Affecting Barnwell County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Barnwell

Establishment of a new Home Health Agency in Barnwell County at a total project cost of \$5,285.

Affecting Beaufort County**Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Beaufort County**

Establishment of a new Home Health Agency in Beaufort County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$12,300.

Sprenger Healthcare of Port Royal, Inc., d/b/a Sprenger Healthcare of Port Royal

Establishment of a new sixty-five (65) bed nursing home at a total project cost of \$12,169,500.

Affecting Berkeley County**PruittHealth Home Health d/b/a Pruitt Health Home Health - Berkeley**

Establishment of a new Home Health Agency in Berkeley County at a total project cost of \$5,285.

Hedgemark Brentwood Medical Services, Inc. d/b/a PHC Home Health

Establishment of a new Home Health Agency in Berkeley County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$13,300.

Affecting Calhoun County**PruittHealth Home Health d/b/a PruittHealth Home Health – Calhoun**

Establishment of a new Home Health Agency in Calhoun County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Calhoun County

Establishment of a new Home Health Agency in Calhoun County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$8,100.

Affecting Charleston County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Charleston**

Establishment of a new Home Health Agency in Charleston County at a total project cost of \$5,285.

In-Care Home Health, Inc. d/b/a InCare Home Health, Inc. - Charleston County

Establishment of a new Home Health Agency in Charleston County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$10,200.

Medical University Hospital Authority d/b/a Medical University of South Carolina (Musculoskeletal Institute)

Construction of a new Ambulatory Surgical Facility (ASF) with six (6) Operating Rooms, two (2) Endoscopy Rooms, and an imaging platform including one (1) MRI and one (1) CT Scan.

Affecting Cherokee County**PruittHealth Home Health d/b/a PruittHealth Home Health – Cherokee**

Establishment of a new Home Health Agency in Cherokee County at a total project cost of \$13,400.

Affecting Chester County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Chester**

Establishment of a new Home Health Agency in Chester County at a total project cost of \$13,400.

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Affecting Colleton County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Colleton

Establishment of a new Home Health Agency in Colleton County at a total project cost of \$5,285.

Affecting Dorchester County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Dorchester

Establishment of a new Home Health Agency in Dorchester County at a total project cost of \$5,285.

Hedgemark Brentwood Medical Services, Inc. d/b/a PHC Home Health

Establishment of a new Home Health Agency in Dorchester County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$13,300.

Affecting Fairfield County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Fairfield

Establishment of a new Home Health Agency in Fairfield County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Fairfield County

Establishment of a new Home Health Agency in Fairfield County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$8,100.

Affecting Hampton County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Hampton

Establishment of a new Home Health Agency in Hampton County at a total project cost of \$5,285.

Affecting Horry County

HHC South Carolina d/b/a Lighthouse Care Center of Conway

Addition of nine (9) substance abuse beds for a total of twenty-seven (27) substance abuse beds at a total project cost of \$0.

Affecting Jasper County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Jasper

Establishment of a new Home Health Agency in Jasper County at a total project cost of \$5,285.

Affecting Kershaw County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Kershaw

Establishment of a new Home Health Agency in Kershaw County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Kershaw County

Establishment of a new Home Health Agency in Kershaw County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$10,200.

Affecting Lancaster County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Lancaster**

Establishment of a new Home Health Agency in Lancaster County at a total project cost of \$13,400.

Advanced Home Care, Inc. d/b/a Advanced Home Care

Establishment of a new Home Health Agency in Lancaster County at a total project cost of \$0.

Affecting Lee County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Lee**

Establishment of a new Home Health Agency in Lee County at a total project cost of \$13,400.

Affecting Lexington County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Lexington**

Establishment of a new Home Health Agency in Lexington County at a total project cost of \$13,400.

Tidewater Home Health, PA

Establishment of a new Home Health Agency in Lexington County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$7,407.

Affecting Newberry County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Newberry**

Establishment of a new Home Health Agency in Newberry County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Newberry County

Establishment of a new Home Health Agency in Newberry County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$10,200.

Affecting Oconee County**Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Oconee County**

Establishment of a new Home Health Agency in Oconee County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$10,200.

Affecting Orangeburg County**PruittHealth Home Health d/b/a Pruitt Health Home Health – Orangeburg**

Establishment of a new Home Health Agency in Orangeburg County at a total project cost of \$5,285.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Orangeburg County

Establishment of a new Home Health Agency in Orangeburg County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$12,300.

18 NOTICES

Affecting Richland County

Tidewater Home Health, PA

Establishment of a new Home Health Agency in Richland County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$7,407.

PruittHealth Home Health d/b/a Pruitt Health Home Health – Richland

Establishment of a new Home Health Agency in Richland County at a total project cost of \$13,400.

Affecting Spartanburg County

Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center

Renovation to an existing facility for the addition of an additional MRI to be located in the Regional Outpatient Center at a total project cost of \$1,051,138.

Affecting Sumter County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Sumter

Establishment of a new Home Health Agency in Sumter County at a total project cost of \$13,400.

Affecting Union County

PruittHealth Home Health d/b/a Pruitt Health Home Health – Union

Establishment of a new Home Health Agency in Union County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - Union County

Establishment of a new Home Health Agency in Union County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$10,200.

Affecting York County

PruittHealth Home Health d/b/a Pruitt Health Home Health – York

Establishment of a new Home Health Agency in York County at a total project cost of \$13,400.

Tri-County Home Health Care & Services, Inc. d/b/a Tri-County Home Health Care and Services, Inc. - York County

Establishment of a new Home Health Agency in York County, wherein the Licensee began operations during the period of time the CON Program was not operating, at a total project cost of \$8,100.

Advanced Home Care, Inc. d/b/a Advanced Home Care

Establishment of a new Home Health Agency in York County at a total project cost of \$0.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from November 27, 2015. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Vonja Szatkowski, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3028.

Affecting Charleston County**SNH SE SG Tenant, LLC d/b/a Savannah Grace at The Palms of Mount Pleasant**

Renovation of an existing facility and the conversion of six (6) assisted living beds to skilled nursing beds for a total of forty-eight (48) skilled nursing beds at a total project cost of \$12,261,532.05.

Affecting Spartanburg County**Spartanburg Rehabilitation Institute**

The addition of twelve (12) rehabilitation beds for a total of forty (40) rehabilitation beds, and the relinquishment of twelve (12) non-institutional nursing home beds at a total project cost of \$10,552.50.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****NOTICE OF TERMINATION OF PROPOSED REGULATION**

Effective upon publication of this notice, the Department of Health and Environmental Control is terminating the proposed amendment of Regulation 61-102, *Standards for Licensing Birthing Centers for Deliveries by Midwives*. This amendment was published as Document No. 4579 on August 28, 2015, in *State Register* Vol. 39, Issue 8.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST****Revision of Air Permit Modeling Exemption and Deferral Guidelines**

The South Carolina Department of Health and Environmental Control (Department or DHEC) has revised the guidance document that outlines the types of sources that may exempt or defer emissions from the air compliance demonstration as required under Regulation 61-62.1, Definitions and General Requirements, Section II(A)(2), when a permit is requested for a source of air emissions. These criteria will be used to identify which emissions covered under Regulation 61-62.5, Standards No. 2 and No. 7 of this regulation may either be exempt or deferred from the compliance demonstration that is submitted with the permit request. This guidance will be maintained by the Department and will be posted on the DHEC website at: <http://www.scdhec.gov/environment/docs/Standard2and7ModelingExemptionandDeferralGuidelines.pdf>.

If you have questions, please contact John Glass, Division of Emissions, Evaluation, and Support at (803) 898-4074 or glassjp@dhec.sc.gov.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Department of Health & Environmental Control, LWM File #56198
Kaiser Aluminum (also known as Former Anderson Fertilizer) Site

NOTICE OF SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Cost Recovery Settlement Agreement (Agreement) with DCO Management, LLC (DCO), as successor to Kaiser Aluminum & Chemical Corporation (KACC) including subsidiaries and affiliates of KACC and its subsidiary, Kaiser Aluminum Properties, Inc. (KAPI) that owned and/or operated at 1435 Bleckley Street in Anderson, South Carolina (Site). The Site was also known as Former Anderson Fertilizer Site and includes all areas where hazardous substances have been deposited, stored, disposed of, placed, or otherwise have come to be located. The Agreement relates to the release and threatened release of hazardous substances, pollutants, or contaminants at the Site. The Agreement provides for the settlement payment of \$286,526.43 to DHEC and provides the release of DCO from further liability to DHEC as to the matters addressed in the Agreement, and confers protection upon DCO from claims of other potentially liable persons for additional contribution. The Agreement 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 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended).

In consideration of the foregoing, the Agreement provides for a release of DCO from further liability and confers contribution protection to DCO pursuant to CERCLA 42 U.S.C. Section 9613.

Notice of Settlement, Contribution Protection and Comment Period will be provided to potentially responsible parties. The Agreement is available:

- (1) On-line at www.scdhec.gov/Apps/Environment/PublicNotices; or
- (2) By contacting Ms. Pat L. Vincent at 803-898-0840 or vincenpl@dhec.sc.gov.

Any comments to the Agreement must be submitted in writing, postmarked no later than December 29, 2015, and addressed to: Ms. Pat L. Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

UPON ENTRY OF THE AGREEMENT BY DHEC, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST DCO SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

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 December 29, 2015 to:

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

The following companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

AECOM Technical Services, Inc.
Attn: Jeremy Grant
1001 Research Drive
Columbia, SC 29203

AECOM Technical Services, Inc.
Attn: Aaron Council
10 Patewood Drive, Building 6, Ste 500
Greenwood, SC 29615

Class II

AECOM Technical Services, Inc.
Attn: Mary Grace
1360 Peachtree St, NE, Ste 500
Atlanta, GA 30309

Fruits & Associates, Inc.
Attn: Brian Shinall
500 Northpoint Parkway
Acworth, GA 30101

22 DRAFTING NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons are invited to present their views in writing to David Scaturro, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than December 29, 2015, the close of the drafting comment period.

Synopsis:

The Department proposes amending R.61-79 to adopt two final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The Department's adoption of these rules is not required by federal law. The two final rules are summarized below.

1. The Department proposes adopting the "Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities," published on January 3, 2014 at 79 FR 350-364. The rule revises the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions. This rule is considered to be less stringent than the current federal requirements.

2. The Department proposes adopting the "Revisions to the Definition of Solid Waste," published on January 13, 2015 at 80 FR 1694-1814. The rule revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material. The sections of the rule that cover Definition of Solid Waste exclusions and non-waste determinations, including provisions from the 2008 Definition of Solid Waste Rule and revisions from the 2015 Definition of Solid Waste final rule and a remanufacturing exclusion, are considered to be less stringent than the current federal requirements.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons are invited to present their views in writing to David Scaturro, Director of the Division of Waste Management, Bureau of Land and Waste Management,

Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than December 29, 2015, the close of the drafting comment period.

Synopsis:

The Department proposes amending R.61-79 to adopt four final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The four final rules are summarized below.

1. The Department proposes adopting the “Hazardous Waste Electronic Manifest System; Final Rule,” published on February 7, 2014 at 79 FR 7518-7563. The rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator’s site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, Pub. L. 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system. This rule announces, consistent with the mandate of the Hazardous Waste Electronic Manifest Establishment Act (section 2(g)(2)), that the final electronic manifest requirements promulgated will be implemented in all states on the same effective date for the national e-Manifest system. Adoption of this rule is required to comply with federal law and will bring R. 61-79 into conformity with the federal regulation.
2. The Department proposes adopting the “Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule,” published on June 26, 2014 at 79 FR 36220-36231. The rule revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006 (71 FR 42928). The revisions will allow the Department to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials. Adoption of this rule is required to comply with federal law and will bring R. 61-79 into conformity with the federal regulation.
3. The Department proposes adopting the “Revisions to the Definition of Solid Waste,” published on January 13, 2015 at 80 FR 1694-1814. The rule revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act. The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material. Adoption of the sections of the rule that cover changes affecting all non-waste determinations and variances, legitimacy-related provisions, including prohibition of sham recycling, definition of legitimacy, definition of contained and speculative accumulation are required to comply with federal law and will bring R. 61-79 into conformity with the federal regulation.
4. The Department proposes adopting the “Vacatur of the Comparable Fuels Rule and the Gasification Rule,” published on April 8, 2015 at 80 FR 18777-18780. The EPA is revising regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued by EPA under RCRA. These revisions implement vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on June 27, 2014. For states that have previously been authorized for the comparable fuels and gasification rules, the effect of the vacaturs is that the previously authorized comparable fuels and gasification exclusion will no longer be in effect. Adoption of this rule is required to comply with federal law and will bring R. 61-79 into conformity with the federal regulation.

Legislative review of these proposed amendments will not be required pursuant to S. C. Code Section 1-23-120(H).

24 PROPOSED REGULATIONS

Document No. 4625
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Section 37-11-80

28-600. Licensing Standards for Continuing Care Retirement Communities

Preamble:

The department proposes to amend and modify Regulation 28-600. The purposes of these proposed amendments are to revise and edit regulatory language to conform to current statutory requirements and to delete obsolete and inconsistent provisions. South Carolina Code Section 37-11-80 authorizes the department to promulgate regulations necessary to effectuate the purposes of the chapter.

The proposed regulations will require legislative review.

Notice of Drafting for the proposed regulations was published in the *State Register* on August 28, 2015. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion:

- | | |
|-----------|---|
| 28-600(A) | Deleted. |
| 28-600(B) | Deleted. |
| 28-600(C) | Subsection relabeled "A." Deleted provisions duplicative of Section 37-11-30(B) requirements. Added provisions previously under Subsection D. Consolidated application fees into one fee. |
| 28-600(D) | Deleted. |
| 28-600(E) | Subsection relabeled "B". Deleted provisions duplicative of Section 37-11-30(B) requirements. Added requirements for contents and posting of all licenses. Added a specific expiration date and universal license renewal period. |
| 28-600(F) | Subsection relabeled "C". Added specific timeframe for licensees to notify the department of certain events. |
| 28-600(G) | Deleted. |
| 28-600(H) | Deleted. |
| 28-600(I) | Subsection relabeled "D". Deleted provision exempting certain multi-facility operators from licensing each facility. Deleted prohibition against cross-collateralization of finances across multiple facilities. |
| 28-600(J) | Deleted. |
| 28-600(K) | Subsection relabeled "E". |
| 28-600(L) | Subsection relabeled "F". Deleted provisions duplicative of Section 37-11-30(B). |
| 28-600(M) | Subsection relabeled "G". Deleted provisions duplicative of Section 37-11-30(B). |

- 28-600(N) Subsection relabeled “H”.
- 28-600(O) Subsection relabeled “I”.
- 28-600(P) Subsection relabeled “J”. Deleted duplicative language.
- 28-600(Q) Deleted.
- 28-600(R) Subsection relabeled “K”.
- 28-600(S) Subsection relabeled “L”. Deleted language regarding routine examinations. Clarified language regarding inspections and investigations by the department.
- 28-600(T) Deleted.
- 28-600(U) Deleted.
- 28-600(V) Deleted.
- 28-600(W) Subsection relabeled “M”.
- 28-600(X) Subsection relabeled “N”.
- 28-600(Y) Subsection relabeled “O”.
- 28-600(Z) Deleted.
- 28-600(AA) Subsection relabeled “P”.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Matthew Aronson, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 by December 29, 2015. Should a public hearing be requested by at least twenty-five persons, the hearing will be held at the Department on January 12, 2016 at 3:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, SC 29205.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.28-600. Licensing Standards for Continuing Care Retirement Communities.

Purpose: R.28-600 was last amended with an effective date of March 27, 2009. The purposes of the proposed changes to these regulations are to conform to current statutory requirements and delete obsolete and inconsistent provisions.

Legal Authority: 1976 Code Section 37-11-80.

Plan for Implementation: Administrative.

26 PROPOSED REGULATIONS

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

The majority of the proposed revisions to these regulations are intended to conform the regulations to current statutory requirements and to delete obsolete and inconsistent provisions. Other changes are meant to provide clarification for licensees.

DETERMINATION OF COSTS AND BENEFITS:

The proposed regulations impose no additional costs.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The State Continuing Care Retirement Community Act specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Code and these changes are being made to conform regulations to current statutory law.

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. 4624

DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 28

Statutory Authority: 1976 Code Section 40-68-20

28-1000. Professional Employer Organizations

Preamble:

The department proposes to amend and modify Regulation 28-1000. The purposes of these proposed amendments are to revise and edit regulatory language to conform to current statutory requirements and to delete obsolete provisions. South Carolina Code Section 40-68-20 authorizes the department to promulgate regulations necessary to effectuate the purposes of the chapter.

The proposed regulations will require legislative review.

Notice of Drafting for the proposed regulations was published in the *State Register* on August 28, 2015. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion:

- 28-1000(A) Deleted provision containing definition of “co-employment relationship” and “temporary help services.”
- 28-1000(B) Revised timeframe for correcting application deficiencies.
- 28-1000(C) No changes.
- 28-1000(D) Deleted provisions containing specific due dates for assessments.
- 28-1000(E) Deleted provision duplicative of Section 40-68-40(E).
- 28-1000(F) Deleted.
- 28-1000(G) Subsection relabeled “F.”
- 28-1000(H) Subsection relabeled “G.” Deleted provision containing biennial licensing fee for restricted licensees and language duplicative of Section 40-68-90.
- 28-1000(I) Subsection relabeled “H.” Deleted language requiring professional employer organizations to submit a Certificate of Insurance to the department.
- 28-1000(J) Subsection relabeled “I.” Deleted language duplicative of Section 40-68-60(C).
- 28-1000(K) Subsection relabeled “J.” Clarified language for department investigations of licenses.
- 28-1000(L) Subsection relabeled “K.” Clarified language for reporting changes in status.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Matthew Aronson, Staff Attorney, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250 by December 29, 2015. Should a public hearing be requested by at least twenty-five persons, the hearing will be held at the Department on January 5, 2016 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, SC 29205.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.28-1000. Professional Employer Organizations.

Purpose: R.28-1000 was last amended with an effective date of July 28, 2006. The purposes of the proposed changes to these regulations are to conform to current statutory requirements and delete obsolete provisions.

Legal Authority: 1976 Code Section 40-68-20.

28 PROPOSED REGULATIONS

Plan for Implementation: Administrative.

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

The majority of the proposed revisions to these regulations are intended to conform the regulations to current statutory requirements and to delete obsolete provisions.

DETERMINATION OF COSTS AND BENEFITS:

The proposed regulations impose no additional costs.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina Professional Employer Organizations Act specifically provides for the Department to promulgate regulations necessary to effectuate the purposes of the Code and these changes are being made to conform regulations to current statutory law.

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. 4603

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-5-60, and 20 U.S.C. 6301 et seq.

43-307. Alignment of Assessment and Accountability Elements with the No Child Left Behind Act

Preamble:

State Board of Education (SBE) Regulation 43-307 requires SBE assessments and accountability elements to align with the No Child Left Behind Act (NCLB) with much specificity. The proposed amendment will ensure that South Carolina will comply with federal law without having to amend the regulation each time the NCLB is amended.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on September 25, 2015.

Section-by-Section Discussion

43-307. The proposed amendment would simply state that South Carolina will follow the requirements of the NCLB.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on January 13, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <..\Charts\RegReviewedbySBE15-16.pdf>.

Written comments should be submitted to Cathy L. Hazelwood, Deputy Superintendent, Division for Legal Affairs, 1429 Senate Street, Columbia, SC 29021 or by e-mail to chazelwood@ed.sc.gov on or before 5:00 p.m. on December 28, 2015.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Alignment of Assessment and Accountability Elements with the No Child Left Behind Act.

Purpose: R.43-307 is being amended.

Legal Authority: 1976 Code Section 59-5-60, and 20 U.S.C. 6301 *et seq.*

Plan for Implementation: The proposed amendment will be posted on the South Carolina Department of Education's (SCDE) web-site for review and comment. The amendment will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendment to this regulation is needed to avoid yearly amendments when the No Child Left Behind assessment and alignments requirements are amended regularly.

DETERMINATION OF COSTS AND BENEFITS:

The SBE and the SCDE staff will benefit in saving time in future years of not having to seek the amendment of the constantly changing assessment and alignment landscape.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation has no effect on the environment or public health.

30 PROPOSED REGULATIONS

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

This regulation will have no detrimental effect on the environment or public health if not implemented.

Statement of Rationale:

The proposed amendment will ensure that South Carolina will comply with federal law without having to amend the regulation each time the NCLB is amended. The proposed amendment would simply state that South Carolina will follow the requirements of the NCLB.

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. 4604

STATE BOARD OF EDUCATION CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-325, 59-18-330, 59-18-350, 59-18-360, 59-18-900, 59-20-60, and 20 U.S.C. 6301 et seq.

43-262. Assessment Program

Preamble:

Section 59-18-310 of the Education Accountability Act requires end-of-course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Proposed amendments to Section H of Regulation 43-262, End-of-Course Examination Program (EOCEP), are to permit the State Board of Education to define the courses in which end-of-course tests must be administered and permits the SCDE to work directly with districts concerning testing specific students when unusual circumstances arise.

Notice of Drafting for the proposed amendment of this regulation was published in the *State Register* on August 28, 2015.

Section-by-Section Discussion

Section H. 1. is deleted and replaced with the following: "Gateway courses in English/language areas, mathematics, science, and social studies as required in Section 59-18-310 of the EAA will be defined by the State Board of Education."

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on January 13, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments of the regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <..\Charts\RegReviewedbySBE15-16.pdf>.

Written comments are to be submitted to Elizabeth Jones, Director, Office of Assessment, Division of Innovation and Effectiveness, 1429 Senate Street, Columbia, SC 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 28, 2015.

Preliminary Fiscal Impact Statement:

There are no known costs to replace one EOCEP with another at this time.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-262. Assessment Program.

Purpose: This regulation provides guidance about assessment programs administered in South Carolina.

Legal Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-325, 59-18-330, 59-18-350, 59-18-360, 59-18-900, 59-20-60, and 20 U.S.C. 6301 et seq.

Plan for Implementation: Changes to this regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The change in this regulation would permit more flexibility in defining the EOCEP tests that must be administered. Courses change over time. For example, the Mathematics for the Technologies 2 course named in the regulation has been replaced with a new course, Intermediate Algebra. Since the SBE meets every month, the SBE can approve changes to courses that are renamed before the beginning of each school year.

In addition, the SCDE is submitting an ESEA Waiver amendment to the US Department of Education to use the results of the English 1 and Algebra 1 EOCEP scores for federal accountability reporting in high school. High School is defined by the US Department of Education (USED) as grades 10–12 but many students take these tests before grade 10. The USED has given verbal indication that the assessments could be approved. However, if the USED does not approve the use of English 1 or Algebra 1, the SCDE will propose the use of new end-of-course tests in English 2 and/or Geometry for federal accountability.

Currently, the regulation states that “end-of-course examinations shall be administered to all public school students who take a gateway course for which credit can be applied toward the requirements for a high school diploma, regardless of the grade in which a student takes the course. An exception is when a student takes two courses based on the same academic standards. The student would take the end-of-course examination at the end of the first course, and the test score would count as 20 percent of the final grade. If the student passes the first course, the student would not take an end-of-course examination for the second course, and the student’s final grade would be calculated without an end-of-course score. The second course would not be a gateway course for that student.” This section was written in response to a specific student that took US History and the Constitution (USHC) and then took USHC IB and requested not to take the USHC test again. However, this exception has resulted in unforeseen consequences in that students taking a course (e.g., Algebra 1) who receive a passing score that is determined by someone (e.g., the student, parent, or school) to be undesirable (e.g., a grade of D) are able to retake the same course and receive a grade in the course that does not include an EOCEP score.

DETERMINATION OF COSTS AND BENEFITS:

There are no known costs to replace one EOCEP with another at this time.

UNCERTAINTIES OF ESTIMATES:

Unknown.

32 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

Proposed amendments permit the State Board of Education to define or change the courses in which end-of-course tests must be administered, when needed, in a timely manner and permit the SCDE to work directly with districts concerning testing specific students when unusual circumstances arise.

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. 4605

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-1300, 59-18-1310, 59-18-1510, 59-20-60, 59-139-05 et seq., and 20 U.S.C. 6301 et seq.

43-261. District and School Planning

Preamble:

State Board of Education (SBE) Regulation 43-261 (R.43-261) governs the requirements of the districts' strategic plans and schools' renewal plans. These plans are filed every five years and may be amended at any time. The SBE has the power to waive any regulation that may impede a plan.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 28, 2015.

Section-by-Section Discussion

43-261. The amendment to this regulation provides for the delegation of waiver power to the State Superintendent for similarly situated districts and schools.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on January 13, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment regulation will be posted on the State Board of Education web site for review and comment. To review the regulation, click on the attached link [..\..\Charts\RegReviewedbySBE15-16.pdf](#).

Written comments should be submitted to Darlene Prevatt, Team Leader, Federal and State Accountability, Division of Innovation & Effectiveness, 1420 Senate St., Suite 501(A), Columbia, SC 29201 or by e-mail to dprevatt@ed.sc.gov on or before 5:00 p.m. on December 28, 2015.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: District and School Planning.

Purpose: Regulation 43-261 is being amended.

Legal Authority: Sections 59-5-60, 59-18-1300, 59-18-1310, 59-18-1510, 59-20-60, 59-139-05 et seq., and 20 U.S.C. 6301 et seq.

Plan for Implementation: The proposed amendment will be posted on the South Carolina Department of Education's (SCDE) web site for review and comment. The amendment will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendment to this regulation is needed to stream-line the waiver process for districts and schools. The SBE will not be burdened each Board meeting with multiple waivers from similarly situated districts and schools.

DETERMINATION OF COSTS AND BENEFITS:

Districts and schools will benefit from not having to travel to Columbia to make their waiver requests. The SBE will benefit from not hearing multiple waiver requests and may focus on other pressing matters.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation has no effect on the environment or public health.

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

This regulation will have no detrimental effect on the environment or public health if not implemented.

Statement of Rationale:

This amendment to R.43-261 will streamline the waiver process for districts and schools. The amendment delegates SBE power to the State Superintendent on issues that the SBE has ruled on previously.

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.

34 PROPOSED REGULATIONS

Document No. 4606

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-1-445, 59-1-447, 59-5-60, and 59-18-310(B)

43-100. Test Security

Preamble:

State Board of Education (SBE) Regulation 43-100 (R.43-100) regulates not only test security, but also includes disciplinary action for educator's breach of professional ethics for violating test security. The amendment is being proposed because failing to test and exempting students from being assessed are breaches and the parental opt-out of testing movement unintentionally jeopardizes an educator's certificate.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on August 28, 2015.

Section-by-Section Discussion

43-100. The proposed amendment to Section IX(P) would clearly provide that a student opting out of assessments would not be a breach of professional ethics by the educator.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on January 13, 2016, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendment regulation will be posted on the State Board of Education Web site for review and comment. To review the regulation, click on the attached link <..\..\Charts\RegReviewedbySBE15-16.pdf>.

Written comments should be submitted to Elizabeth Jones, Director, Office of Assessment, 1429 Senate Street, Room 209-B, Columbia, South Carolina 29201 or by e-mail to ejones@ed.sc.gov on or before 5:00 p.m. on December 28, 2015.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Test Security.

Purpose: R.43-100(IX)(P) is being amended.

Legal Authority: 1976 Code Sections 59-1-445, 59-1-447, 59-5-60, and 59-18-310(B).

Plan for Implementation: The proposed amendment will be posted on the South Carolina Department of Education's (SCDE) web site for review and comment. The amendment will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendment to this regulation is needed to ensure educators are not punished for the actions of those students who chose to opt-out of assessments.

DETERMINATION OF COSTS AND BENEFITS:

No additional costs are expected and the benefit is to educators who must plan for an increase in the opt-out of testing movement.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation has no effect on the environment or public health.

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

This regulation will have no detrimental effect on the environment or public health if not implemented.

Statement of Rationale:

The proposed amendment will ensure that the parental opt-out of testing movement does not unintentionally jeopardize an educator's certificate.

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. 4607

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-1-180

61-89. Charges for Family Planning Services

Preamble:

The Department has conducted a review of its family planning regulations and, in the interest of good government and efficiency, proposes the repeal of R.61-89, Charges for Family Planning Services, because it is no longer needed. See detailed information in the Statement of Need and Reasonableness and Statement of Rationale herein.

A Notice of Drafting for the proposed repeal was published in the *State Register* on April 24, 2015. No comments were received during the Notice of Drafting comment period.

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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 repeal of Regulation 61-89 at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed repeal of Regulation 61-89 by writing to Stephanie Derr, Director, Division of Women's Health, South Carolina DHEC, 2100 Bull St., Columbia, South Carolina 29201 or by email to derrsr@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the deadline of December 29, 2015, shall be considered by the Department in formulating the final proposed regulation repeal for public hearing on January 7, 2016, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation repeal for public comment may be obtained by contacting the DHEC Division of Women's Health at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the DHEC Regulation Development Update at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. (Click on the Update, the Maternal and Child Health category, and scan down for this proposed repeal).

Preliminary Fiscal Impact Statement:

The repeal of R.61-89 will have no substantial fiscal or economic impact on the State and its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: Repeal of R.61-89, Charges for Family Planning Services.

Legal Authority: Section 44-1-180, S.C. Code of Laws, 1976, as amended.

Plan for Implementation: Upon final approval of the S.C. General Assembly and publication in the *State Register* as final, this regulation will be repealed. It will be shown as repealed in Chapter 61 of the S.C Code of Regulations.

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

Regulation 61-89 was promulgated pursuant to Title 44, Chapter 1, "Department may establish charges for health care." Regulation 61-89 is not necessary because the items it regulates are currently addressed in federal law. The Department, as a condition of receiving funds under Title X of the Public Service Act, must follow federal regulations with respect to the subject matter covered by R.61-89. Therefore, in the interest of good government and efficiency, the Department proposes to repeal this regulation because it is no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

The repeal of Regulation 61-89 will have no substantial fiscal or economic impact on the State and its political subdivisions or the regulated community.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no environmental or public health effect.

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

There will not be a detrimental effect on the environment or public health. However, repeal of this regulation is necessary to clarify it is no longer valid.

Statement of Rationale:

Upon review of Department regulations and the status of Regulation 61-89 pursuant to Sections 44-1-180, S.C. Code of Laws, 1976, it was determined that this regulation should be repealed because it is no longer necessary.

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. 4608

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

Statutory Authority: 1976 Code Section 44-1-180

61-88. Charges for Maternal and Child Health Services

Preamble:

The Department has conducted a review of its maternal and child health regulations and, in the interest of good government and efficiency, proposes the repeal of Regulation 61-88, Charges for Maternal and Child Health Services, because it is no longer needed. See detailed information in the Statement of Need and Reasonableness and Statement of Rationale herein.

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A Notice of Drafting for the proposed repeal was published in the *State Register* on April 24, 2015. The Department received no public comments during the Notice of Drafting comment period.

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 repeal of Regulation 61-88 at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2015. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes or less, and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed repeal of Regulation 61-88 by writing to Mrs. Lucy Gibson, Director, Division of Children's Health, South Carolina DHEC, 2100 Bull Street, Columbia, South Carolina 29201, or by email to gibsonlh@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29, 2015 deadline shall be considered by the Department in formulating the final proposed regulation repeal for public hearing on January 7, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation repeal for public comment may be obtained by contacting Mrs. Lucy Gibson at the above address. A copy may also be obtained from the DHEC Regulatory Development Update on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the Update, the Maternal and Child Health Category, and scan down for this proposed repeal.

Preliminary Fiscal Impact Statement:

The Department does not anticipate substantial fiscal or economic impact on the state and its political subdivisions resulting from repeal of Regulation 61-88.

Statement of Need and Reasonableness:

This 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:

Repeal of Regulation 61-88, Charges for Maternal and Child Health Services.

Purpose: In the interest of good government and efficiency, the Department proposes repeal of Regulation 61-88 which describes charges for maternal and child health services. Regulation 61-88 is no longer necessary because the items regulated therein are currently addressed in state statute and federal regulation and the Department no longer provides maternity services.

Legal Authority: 1976 Code Section 44-1-180 and Sections 502(2)(D) and 501(b)(2) of the Social Security Act, as amended, effective October 1, 1981.

Plan for Implementation: None. Upon approval of the South Carolina General Assembly and publication as a final regulation repeal in the *State Register*, this regulation will be repealed. R-61.88 will be shown as repealed in Chapter 61 of the S.C. Code of Regulations.

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

Regulation 61-88 was promulgated pursuant to S.C. Code Section 44-1-180. Regulation 61-88 is not necessary because the regulated items therein are currently governed by state statute and federal regulations. Moreover, the Department no longer provides maternity services. As such, in the interest of effective and efficient government administration, the Department proposes repeal of these regulations because they are no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate substantial fiscal or economic impact on the state or its political subdivisions from the repeal of Regulation 61-88. The Department also does not anticipate cost to the regulated community. The repeal benefits the regulated community by adding clarity to which laws are applicable and have legal effect.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department anticipates no environmental or public health effect.

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

The Department anticipates no detrimental effect on the environment or public health. Repeal of this regulation is necessary to indicate it is no longer valid.

Statement of Rationale:

Upon review of regulations and the status of Regulation 61-88 pursuant to S.C. Code Section 44-1-180 and Sections 505(2)(D) and 501(b)(2) of the Social Security Act, as amended, effective October 1, 1981, the Department determined R.61-88 should be repealed as it is no longer necessary.

Text:

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

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Document No. 4615

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 previous two decades of experiences under the South Carolina Beachfront Management Act (1976 Code Section 48-39-250 et seq.). The Committee examined current conditions, considered outcomes of an ad hoc technical committee on shoreline change, and recommended improvements in the management of the State's beachfront jurisdictional area. These proposed amendments 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 amendments will provide more clarification to the regulations, enabling Department staff to administer more effectively the regulatory program of the Coastal Division.

Proposed amendments will also modify specific procedures under R.30-13 and R.30-15 for issuance of emergency orders for golf courses to comply with Act No. 147 that took effect April 7, 2014 and was codified as 1976 Code Section 48-39-135.

See Section-by-Section Discussion below and Statements of Need and Reasonableness and of Rationale herein for more details.

A Notice of Drafting for the proposed amendments was published in the *State Register* on February 27, 2015.

Section-by-Section Discussion of Proposed Revisions

R.30-1.D(20)

The definition of "emergency order" is revised 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)

Language is added to clarify the authorities responsible for the issuance of emergency orders.

R.30-5.B

The title of this section is revised to provide clarity and new subsection B(1) is added to specify the authorities allowed 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

The title of this section is revised to provide clarity. 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 options as temporary protection for golf courses to comply with Act No. 147 of 2014, and add reference to the subsections regarding emergency order provisions.

R.30-15.F(4)

Language is added to specify an additional condition to consider when evaluating a request for a special permit. Stylistic changes are made to the serial order of conditions to correspond with other sections of the regulation.

R.30-15.H

This section is revised to amend the definition of imminent danger, clarify the authorities allowed to issue emergency orders, and clarify that all activities authorized under emergency orders need review prior to performance during turtle nesting season. Language is added to specify that requirements of the section can be applied to new technologies.

R.30-15.H(1)

This subsection is revised to clarify the authorities allowed to issue emergency orders and the conditions that must apply, define 'critical infrastructure', and delete items (a) through (g).

R.30-15.H(2)

New subsection is added to specify the process for issuing emergency orders for sandbags and the requirements of the property owner for securing an emergency order.

R.30-15.H(3)

New subsection is added to specify criteria to be used when issuing emergency orders for sandbags.

R.30-15.H(4)

Existing H(2) is renumbered to H(4) and language is added to specify the authorities allowed to issue emergency orders for sand scraping and the conditions that must apply. New item (b) is added to allow sand scraping as an emergency option for temporary protection of golf courses to comply with Act No. 147 of 2014, and remaining items are renumbered. New item (h) is added to specify what funding is available for sand scraping.

R.30-15.H(5)

Existing subsection H(3) is renumbered to H(5) and language is added to specify the authorities allowed to issue emergency orders for renourishment and the conditions that must apply. Language is added to item (a) to specify standards for compatible sand. Correction is made in item (c) to the section referenced for permit requirements for sand fencing and beach vegetation. Language is added to (d) to provide clarity. New item (e) is added to clarify that renourishment may be used as temporary protection for golf courses to comply with Act No. 147 of 2014. New item (f) is added to specify what funding is available for emergency renourishment.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and/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 January 7, 2016. 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. The Board meeting commences at 10:00

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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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, persons are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested 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; or by e-mail to Elizabeth.Vonkolnitz@dhec.sc.gov; fax (843) 953-0260. Written comments must be received no later than 5:00 p.m. December 29, 2015, the close of the public comment period. Comments received by the deadline date of December 29, 2015 shall be considered by staff in formulating the final proposed regulations for public hearing on January 7, 2016 as noticed above. 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 above.

Copies of the proposed amendments for public comment as published in the State Register on November 27, 2015 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/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate>. 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 Elizabeth.Vonkolnitz@dhec.sc.gov; telephone number (843) 953-0200; fax (843) 953-0260.

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 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. Proposed amendments will also modify specific procedures for the issuance of emergency orders for golf courses to comply with Act No. 147 of 2014, codified as 1976 Code Section 48-39-135. The proposed amendments will provide more clarification to the regulations, enabling Department staff to administer more effectively the regulatory program of the Coastal Division.

Legal Authority: 1976 Code Section 48-39-10 et seq.

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 based on the Blue Ribbon Committee on Shoreline Management's final recommendations and to comply with Act No. 147 of 2014, codified as 1976 Code Section 48-39-135. They are reasonable and necessary to manage the long-term health and sustainability of the State's beaches and beach/dune systems. The proposed amendments clarify existing regulations that enables Department staff to more effectively (1) implement 1976 Code Section 48-39-130, which addresses the permitting of activities in the critical area; and (2) implement the stated policies of the South Carolina Beachfront Management Act (1976 Code Section 48-39-260).

DETERMINATION OF COSTS AND BENEFITS:

1) Promulgation and administration of these amendments are 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 these amendments are 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 the State's beaches and beach/dune system 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:

There is no anticipated detrimental effect on the environment and/or public health associated with these revisions. Implementation of the regulations as proposed seek to benefit the environment by providing more clarity to the Department's Coastal Division statutory directives to manage the State's beaches and beach/dune critical areas for its citizens.

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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. Proposed amendments related to the issuance of emergency orders for golf courses are necessary to comply with Act No. 147 of 2014, codified as 1976 Code Section 48-39-135. 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. 4609

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

61-20. Communicable Diseases

Preamble:

The Department has conducted a review of its regulations pertaining to public health concerns of communicable disease reporting, investigation, and mitigation to prevent spread of disease. As a result of the review, the Department is proposing to substantially amend Regulation 61-20, Communicable Diseases. The proposed amendments will remove obsolete sections, improve the clarity and readability of the regulation, provide definitions, references, codification and improve the grammar and punctuation of the regulation. The regulation will be replaced in entirety with these amendments.

A Notice of Drafting for the proposed regulations was published in the *State Register* on April 24, 2015. It was replaced by a Notice of Drafting that was published in the *State Register* on July 24, 2015.

See Statements of Need and Reasonableness and Rationale herein for these proposed amendments.

Section-by-Section Discussion of Proposed Amendments:

Regulation 61-20. Communicable Diseases.

The existing Regulation 61-20 Sections 1 – 17 have been substantively changed and substantially reorganized. The proposed amendments incorporate stylistic changes, which include corrections for clarity, readability, grammar, punctuation and overall improvement of the text; the addition of definitions for improving precision; and reference changes necessitated by changes in related statutes as well as Department organization and structure. The proposed changes also align the Department with advancements and best practices in disease investigation and prevention. As a result, the entire existing regulation will be replaced.

TABLE OF CONTENTS:

The table of contents was added for overall improvement of the regulation.

61-20, Section 1. Disease Reporting

Current Section 1 has been revised and moved to new Section 2. New Section 1 now includes an entirely new Definitions section for the purpose of defining terminology in the amendments and to bring clarity to regulation.

61-20, Section 2. Householders, Heads of Families, etc., Shall Report Contagious Diseases.

Current Section 2 has been deleted in its entirety. In its place is former Section 1 (Disease Reporting), which has been substantially revised to better define disease reporting requirements. Subsection B has been added to New Section 2 in order to specify the consequences for failing to report diseases to the Department, including the criteria the Department will consider in assessing penalties. Subsection C has also been added to New Section 2 to provide a safe harbor to those who have failed to report as required. Under the safe harbor provision, a required reporter may notify the Department of a failure to properly report without fear of penalties, provided he or she meets certain criteria. The safe harbor provision is intended to encourage the reporting of communicable diseases and to assist the Department in protecting the public health.

61-20, Section 3. Nurses and Midwives Shall Report Redness or Inflammation of Eyelids to Health Authorities.

Current Section 3 has been deleted in its entirety as the reporting requirements in Section 3 are included as part of new Section 2. In its place is former Section 13 (Health Authorities to investigate reported cases). Former Section 13 (New Section 3) has been substantially revised to bring the section up to date with current Department organization and procedures and to clarify the steps the Department may take in investigating communicable diseases.

61-20, Section 4. Local Health Authorities Shall Keep Records of Contagious Diseases.

Current Section 4 has been deleted in its entirety as it is unnecessary to codify the Department’s record-keeping requirements. In its place is former Section 5 (Regulations relating to control measures, isolation and quarantine to be observed by all health providers). Former Section 5 (New Section 4) has been substantially revised to clarify the Department’s responsibility and authority for controlling the spread of communicable diseases, to emphasize the mitigation measures available to it, and to reiterate the statutory penalties associated with failure to abide by Department directives and orders for the control and prevention of communicable diseases. The revisions are also stylistic for the purpose of improving the overall text.

61-20, Section 5. Regulations Relating to Control Measures, Isolation and Quarantine to be Observed by All Health Providers.

Current Section 5 has been substantially revised and moved to Section 4. In its place is former Section 7 (Health authorities are to assume control of quarantine, isolation and other control measures). Former Section 7 (New Section 5) has been revised to clarify that it is the Department’s responsibilities for assuming control of quarantine, isolation and control measures and to delete the antiquated term “local health authorities.”

61-20, Section 6. Placards Shall Not Be Destroyed or Removed.

Current Section 6 has been revised and moved to Section 8. In its place is former Section 8 (Authorized health offices may pass through quarantine lines). Former Section 8 (New Section 6) has been revised to better define who may pass through quarantine lines and access restricted areas by using the defined term “Authorized Health Officer” and to bring the section up to date with current Department organization, including the use of the term “Director” rather than “Commissioner.”

61-20, Section 7. Health Authorities Are to Assume Control of Quarantine, Isolation and Other Control Measures.

Current Section 7 has been revised and moved to Section 5. In its place is former Section 15 (Premises designated as infectious shall be placarded). Former Section 15 (New Section 7) has been revised to clarify that it is the

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Department's responsibility for determining if a building, place or premises poses a risk to the public health and to provide a more modern example of language for any Public Health Notice.

61-20, Section 8. Authorized Health Officers May Pass through Quarantine Lines.

Current Section 8 has been revised and moved to Section 6. In its place is former Section 6 (Placards shall not be destroyed or removed). Former Section 6 (New Section 8) has been revised to incorporate the defined term "Public Health Notice" and to establish the duration by which Public Health Notices shall remain attached or posted to buildings, places or premises.

61-20, Section 9. Person Forbidden Going to or Leaving Contagious Disease Premises.

Section 9 has been revised to clarify who may and who may not enter or leave contaminated premises.

61-20, Section 10. Persons Affected with or Exposed to Contagious Diseases Shall Obey Health Authorities.

Current Section 10 has been revised and moved to Section 11. In its place is former Section 14 (Premises occupied by persons with contagious diseases to be rendered non-infectious). Former Section 14 (New Section 10) has been revised to clarify the types of buildings, places or premises to which the regulation applies and to clarify that it is the Department's responsibility to supervise the rendering of a building, place or premises as non-infectious.

61-20, Section 11. Children with Contagious Diseases Shall Not Attend School or Childcare in Out-of-Home Settings.

Current Section 11 has been combined with former Section 12 and moved to Section 12. In its place is the combined former Sections 10 (Persons affected with or exposed to contagious diseases shall obey health authorities) and 16 (Persons suffering from reportable diseases shall not work where food products are produced). Former Sections 10 and 16 (New Section 11) have been combined and substantially revised to simplify requirements and responsibilities for individuals affected with or exposed to communicable diseases and who are required to follow Department directives. The revisions also modernize the language of the regulation by deleting specific references to smallpox, scarlet fever, dysentery and typhoid fever.

61-20, Section 12. Contacts Exposed to an Excludable Disease in Relation to School Attendance or Childcare Attendance in Out-of-Home Settings.

Section 12 has been combined with former Section 11 and substantially revised. The two sections have been combined in order to address in one section the exclusion of students and adults from school settings and to clarify when such individuals can return. The revisions are also stylistic, intended to improve readability and clarity.

61-20, Section 13. Health Authorities to Investigate Reported Cases.

Current Section 13 has been revised and moved to Section 3. In its place is former Section 17 (These regulations not to prevent local laws). Former Section 17 (New Section 13) has been revised to include more modern language, including the use of "health laws" as opposed to "local laws."

61-20, Section 14. Premises Occupied by Persons with Contagious Diseases to be Rendered Non-infectious.

Current Section 14 has been moved to Section 10. In its place is an entirely new section (Public Health Orders, Law Enforcement and Appeal Process). The purpose of New Section 14 is to clarify the Department's ability to issue orders to enforce the provisions of Regulation 61-20, the assistance required of law enforcement in enforcing such orders, and to provide an appeals process for anyone affected by such orders.

61-20, Section 15. Premises Designated as Infectious Shall be Placarded.

Current Section 15 has been revised and moved to Section 7. There is no new Section 15.

61-20, Section 16. Persons Suffering from Reportable Diseases Shall Not Work Where Food Products Are Produced.

Current Section 16 has been combined with former Section 10, revised and moved to Section 11. There is no new Section 16.

61-20, Section 17. These Regulations Not to Prevent Local Laws.

Current Section 17 has been revised and moved to Section 13. There is no new Section 17.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments to Regulation 61-20 at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation amendments by writing to Dana Giurgiutiu, Director, Division of Acute Disease Epidemiology, Bureau of Disease Control, South Carolina Department of Health and Environmental Control, 2100 Bull St., Columbia, South Carolina 29201 or by email to giurgid@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29, 2015, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 7, 2016, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed amendments for public comment may be obtained by contacting the DHEC Division of Acute Disease Epidemiology, at the above address. Also, an electronic copy of the proposed amended regulation may be obtained on the Department's Regulatory Information Internet Site in the DHEC Regulation Development Update at <http://www.dhec.sc.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/> (In the Update, click on the Disease Control topic, and scan down for the proposed amendments of Regulation 61-20.)

Preliminary Fiscal Impact Statement:

The Department does not anticipate substantial fiscal or economic impact on the State and its political subdivisions resulting from amending Regulation 61-20.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness is based on an analysis of the factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Regulation 61-20, Communicable Diseases.

Purpose: Amendment of Regulation 61-20, Communicable Diseases.

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Legal Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

Plan for Implementation: Upon final approval of the S.C. General Assembly and publication in the *State Register* as final, these amendments will take effect as law. In addition to publication in the *State Register*, notice will also be provided to interested persons on the Department's website in the *DHEC Regulation Development Update*. Also, a copy of this amended regulation will be published on the Department's Laws and Regulations website under the Disease Control category and subsequently in the Code of Regulations in the S.C. Code of Laws.

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

Regulation 61-20 was promulgated pursuant to 1976 Code Sections as listed above. Amendment of Regulation 61-20 is necessary because the items it regulates are currently governed by state statute and federal law. Reporting of cases of communicable disease is important in the planning and evaluation of disease prevention and control programs, in the assurance of appropriate medical therapy, and in the detection of common-source outbreaks. In the United States, the authority to require notification of cases of disease resides in the respective state legislatures.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate substantial fiscal or economic impact on the State and its political subdivisions resulting from amending Regulation 61-20. The Department also does not anticipate cost to the regulated community.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department anticipates no environmental or public health effect.

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

The Department anticipates no detrimental effect on the environment or public health.

Statement of Rationale:

Upon internal review of Regulation 61-20, amendments are proposed to delete sections that are obsolete and no longer applicable to the reporting of, investigation of and control/mitigation of communicable diseases; to incorporate stylistic changes, which include corrections for clarity, readability, grammar, punctuation and overall improvement of the text; to add a section of definitions for improving precision; to bring the regulation into consistency with changes in related statutes as well as Department organization and structure; and to align the regulation with advancements and best practices in disease investigation and prevention.

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. 4610
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Section 44-7-260

61-7. Emergency Medical Services.

Preamble:

Regulation 61-7 has not been substantively updated since 2006. The proposed amendments herein incorporate statutory requirements for EMT certification and training, update the vehicle equipment list to current accepted industry standards, modify the ground ambulance requirements to reflect the most current standards, change the air ambulance requirements to reflect the latest statutory amendments, incorporate requirements for ambulance drivers, modify the name of first responder agencies to rapid response vehicles, add and amend definitions, and rewrite the certification and training requirements. The Department also intends to make corrections for clarity and readability, grammar, punctuation, codification, and overall improvement to the text of the regulation.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Section-by-Section Discussion of Proposed Amendments

Title

Statutory Authority: Edited statutory authority to reflect current parlance.

Table of Contents. The Table is revised to bring it current with changes in the text.

Non-substantive changes were made throughout the regulations where applicable to improve outlining, codification, and wording for overall improvement and to avoid conversion problems in electronic publications.

Section 100. Scope and Purpose.

No changes.

Section 200. Definitions

Section 200.A. was revised to change “drugs” to “medications” and update the definition to include levels of care.

Section 200.B. was revised to change the name of EMT Intermediate to AEMT, to update clinical parlance, and to eliminate the “80 percent” rule.

Section 200.C. was revised to expand the definition of air ambulance to include fixed wing and rotorcraft.

Section 200.D. was revised for clarity and consistency.

Section 200 E. new definition for Commission on Accreditation of Allied Health Education Program (CAAHEP) was added.

Section 200.F. new definition for Committee on Accreditation of Educational Programs (CoAEMSP) was added.

Existing Section 201.E. was renumbered to Section 200.G. and revised to correct grammar.

Section 200.F. was renumbered to Section 200.H.

Section 201.G. was deleted because it no longer meets the current standards.

Added Section 200.I. to add definition for Credentialing Information System (CIS).

Added Section 200.J. to add a definition for Driver.

Added Section 200.K. to add a definition for Electronic Patient Care Report (ePCR).

Added Section 200.L. to add a definition for Emergency.

Existing Section 201.H. was renumbered to Section 200.M. No substantive changes.

Existing Section 201.I. renumbered to new Section 200.N. and is revised to define the certification levels of the Emergency Medical Technicians (EMT) to match national standards.

50 PROPOSED REGULATIONS

Existing Section 201.J. renumbered to Section 200.O. EMT First Responder Service is revised to change in title to EMT Rapid Responder Agency.

Existing Section 201.K. was renumbered to Section 200.P. No substantive changes.

Existing Section 201.L. was deleted. Text was incorporated as appropriate in Section 200.C.1.

Existing Section 201.M. was renumbered to Section 200.Q. and removes roadside pickup language.

New Section 200.R. definition of Ground Ambulance was added.

Existing Section 201.O. was renumbered to Section 200.V. and added subsections which were moved from existing Sections R and S to Subsections 1 and 2.

New Section 200.S. definition of Health Insurance Portability and Accountability Act (HIPAA).

Existing Section 201.N. was renumbered to Section 200.T. and was revised to add the AEMT and change the EMT-Paramedic to Paramedic. Also added new parlance and eliminated the “80 percent” rule.

Existing Section P. was renumbered Section W. No substantive changes.

New Section 200.U. was added to define the Joint Policy Statement on Equipment for Ground Ambulances (JPS).

Section 201.O. was renumbered to 200.V. Added subsections under Section U. Changed “unit’s” to “licensed agency’s.”

Existing Section 201.P. was renumbered to Section 200.W. No substantive changes.

New Section 200.X. was added to define National Emergency Medical Services Information System (NEMSIS).

New Section 200.Y. definition of National Registry of Emergency Medical Technicians (NREMT) was added.

Existing Section 201.Q. was renumbered to 200.Z. and added “the patient” to the convenience clause for nonemergency transports.

Existing Sections 201.R. and 201.S. were moved under Section 200.U as 1 and 2.

Added new Section 200.AA. to define Patient.

Added new Section 200.BB. to define Prehospital Care.

Added new Section 200.CC. to define Prehospital Medical Information System (PreMIS).

Existing Section 201.T. renumbered to Section 200.DD. No substantive changes.

Existing Section 201.U. was deleted and incorporated as appropriate in 200.C.2.

Added Section 200.EE. to define Special Purpose EMT.

Added Section 200.FF. to define Specialty Care and replace outdated 201.V. Special purpose ambulance.

Added Section 200.GG. to define the “Star of Life” mentioned later in the Regulation.

Existing 201.V. Special purpose ambulance deleted.

Existing Section 201.W. was renumbered to 200.HH. No substantive changes.

Existing Section 201.X. was renumbered to 200.II. No substantive changes.

Added Section 200.JJ. to define Vocational School.

Added Section 200.KK. to define Volunteer EMS Provider.

Section 300. Enforcing Regulations.

Section 301.A. was revised to add medical control physicians.

Section 302.B. was amended to include permitted vehicles and equipment.

Section 302.C. was revised to update the language/technology.

Section 303 was revised add the location of the fines/monetary penalties in Section 1500 and to add that the Department may seek other actions if appropriate (for example: remediation).

Section 304.A. Added “other employees and the general public”, corrected punctuation, and edited for clarity.

Section 304.B. as revised to correct grammar, to add “other employees and the general public”, and for clarity.

Section 304.C. was revised for clarity.

Section 304.D. was added to denote the new Class IV violations related to re-inspection failures.

Existing Section 304.D. was renumbered to 304.E. and added Class IV language.

Existing Section 304.E was renumbered 304.F. and added “other employees and the general public.”

Added new Section 304.G. to indicate new location of fine schedule in Regulation.

Existing Section 304.F. was deleted and content incorporated in Section 1501.B.

Existing Section 304.G. was renumbered to 304.H.

Section 400. Licensing Procedures

Section 401.A.3 added a requirement to provide a business license.

Existing Section 401.A.3 was renumbered to 401.A.4 and added VIN and rapid response vehicles.

Existing Section 401.A.4 was renumbered to 401.A.5 and revised to meet national standards and added “or contraction.”

Existing Section 401.A.5 was renumbered to 401.A.6 and revised language to add "employees, contractors and affiliates" for those that need listed on the CIS roster.

Existing Section 401.A.6 was renumbered to 401.A.7. No substantive changes.

Existing Section 401.A.7 was renumbered to 401.A.8 and revised to add email address instead of mail address as part of the contact information.

Existing Section 401.A.8 was renumbered to 401.A.9 and revised to name more specifically positions of responsibility.

Existing Section 401.A.9 was renumbered to Section 401.A.10. and changed “units” to “vehicles” and “transporting station” to “fixed station location.”

Existing Section 401.A.10 was renumbered to Section 401.A.11 and revises the required limits of insurance coverage.

Section 401.A.12 was added to meet a federal mandate.

Existing Section 401.A.11 was renumbered to 401.A.13 and revised to enforce per statutory requirements.

Section 401.A.14 was added to meet federal regulation.

Existing Section 401.A.12 was renumbered to 401.A.15 and revised to add the word "make" to correct sentence grammar/structure.

Section 401.C. was revised to clarify inspection frequency and operating procedures; changed “ambulances” to “vehicles.” The table with the schedule of fines was moved to Section 1501.B.

Section 401.D., E., F remain unchanged.

Section 401.G. was deleted for clarity.

Section 401.H. was deleted because the exemption is already in the regulation (redundancy).

Existing Section 401.I was renumbered to Section 401.G. No substantive changes.

Section 402 was revised to capitalize all references to Medical Control Physician.

Section 402.A. was revised to insert acronyms for quality assurance and in-service training.

Section 402.A.2 changed “tapes” to “recordings.”

Section 402.A.4 corrected grammar.

Section 402.C. was revised to clarify a requirement of the medical control physician.

Section 402.D. was revised for clarity.

Section 402.E. was revised for clarity.

Section 402.F. was revised to add “or responsibilities.”

Section 402.H. was added that the medical control physician shall complete appropriate continuing education.

Section 402.I. was added to give the medical control physician authority to be on scene calls.

Section 402.J. was added to account for multiple Medical Control Physicians.

Added New Section 403 to add requirements of a Non-Credentialed Ambulance Operator or Driver.

Renumbered existing Section 403 to Section 404 and revised title to match other parallel sections.

Section 404.A. was revised to delete the clause “or can be permitted.” This inadvertently allowed agencies to continue services by using unpermitted trucks.

Section 404.B. was revised for clarity of the requirement.

Section 404.C. was revised to make “on site” into one word “onsite”, to change “calls” to “responses”, and take out the redundant phrase and corrected grammar in sentence.

Section 404.C.1. was renumbered Section 404.D. and was revised for clarity and direction for all services on emergency responses and transports.

Section 404.C.2. was deleted.

New Section 404.E. was added to define minimum staffing and equipment standards to provide at least basic life support on all ambulances.

Existing Section 404.E. was renumbered to Section 404.G. and was revised to add “or rapid response” capability to industries providing emergency medical services, and to update the reference within the amended Regulation.

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Section 404.F. was renumbered to Section 404.H; revised so that providers maintain “accurate” records which must also include CIS rosters; revised for grammatical clarity; and revised to change “ambulance run reports” to “patient care reports.”

Renumbered Existing Section 404 to Section 405.

Section 405. AEMT was added to the Intermediate requirement to reflect pending National Registry updates. Airway equipment required was amended to reflect new national standards; added defibrillation capability to meet national standards and best practices; eliminated the “80 percent rule” after January 1, 2018.

Added Section 405.B. to allow for an ILS licensed provider to participate in a tiered response system.

Renumbered existing Section 405 to Section 406.

Section 406. was revised to remove “EMT” and to update clinical parlance on defibrillation; eliminated the “80 percent rule” after January 1, 2018.

Added Section 406.B. to allow for an ALS licensed provider to participate in a tiered response system.

Renumbered Section 406 to Section 407.

Renumbered existing Section 407 to Section 408.

Section 408. was revised to remove “EMT” and add an additional subsection, thus A and B.

Section 408.B. was added to define the staffing requirement of an ALS transport unit to include two certified personnel.

Renumbered Section 408 to Section 409.

Section 409. title was revised to add penalty type II.

Renumbered existing Section 409 to Section 410.

Section 410. title was revised from First to Rapid Responder. (II).

Section 410.A. was revised to change “first” to “rapid” , and to clarify the requirement for rapid responder service.

Section 410.B. was revised to change “first” to “rapid” and to clarify the requirements for rapid responder service. Change “on site” to “onsite” for grammatical clarity.

Section 410.C. was revised to update the reference within the amended Regulation.

New Section 411 was added to delineate requirements for Special Exemptions for Volunteer EMS Providers.

Section 500. Permits, Ambulance (I)

Section 501.B. was revised to change “lower” to “upper.” Added “interior” to windshield for permit placement.

Section 501.E. was revised to clarify the instructions for permit sticker removal and added to clarify when to return a permit.

Section 501.F. was added to notify the Department within 72 hours if a licensed provider’s vehicle or aircraft is involved in an accident that caused bodily harm.

Section 501.G. was added to cover unlicensed agencies seeking a vehicle or aircraft permit.

Section 501.H. was added to prohibit permitting of vehicles or aircraft that are unlicensed EMS providers in South Carolina.

New Section 502. was added to cover temporary assets.

Section 600. Standards for Ambulance Permit.

Section 601.A. was revised to add “NFPA 1917, (or similar specification standards accepted by the Department)” federal ambulance standard and to delete “the most current edition” comment which is superfluous. Deleted section on four-wheel drive recommendation.

Section 601.B. was deleted.

Existing Section 601.C. was renumbered to Section 601.B.

Section 601.B.2.a was deleted.

Section 601.B.2.b was renumbered Section 601.B.2.a.

Section 601.B.2.c was renumbered Section 601.B.2.b.

Section 601.B.2.d was deleted.

New Section 601.B.2.c is added to require out-of-state ambulances to meet the same requirements as in-state.

Section 601.D. was renumbered to Section 601.C.

Section 601.E. was renumbered to Section 601.D.

Section 601.D.1.c is revised to clarify the separation partition standard in the ambulance.

Section 601.D.2.d. was revised to add “if carried” in reference to spare tire.
 Section 601.F. was renumbered to Section 601.E.
 Section 601.G. was renumbered to Section 601.F.
 Sections 601.F.3 and 4 were moved to Section 701.CC and DD respectively.
 Section 601.H. was renumbered to Section 601.G.
 Section 601.G.1. was edited to clarify the armrest requirement in driver compartment seats.
 Section 601.I. was renumbered to Section 601.H. and to remove references to “stretchers” and replace with “cot.”
 Section 601.H.4.a was revised to correct grammar.
 Section 601.J. was renumbered to Section 601.I.
 New Section 601.I.5. was added to regulate for temperature extremes and drug adulteration based on USP and AAA standards.
 Existing Section 601.I.5. was renumbered to Sections 601.J.6.
 Section 601.K was renumbered to Section 601.J.
 Section 601.J. added NFPA 1917 (or similar specification standards accepted by the Department) standard to be consistent with the other reference in the document; also added “interior cabinets” to clarify equipment in question.
 Section 601.L. was renumbered to Section 601.K. No substantive changes.
 Section 601.M was renumbered to Section 601.L.
 Section 601.L. added the word “minimum” for clarity.
 Section 601.N. was renumbered to 601.M.
 Section 601.M. deleted rooftop requirement for mounted antenna.
 Section 601.O. was renumbered to Section 601.N. No substantive changes.
 New Section 601.O. is added to prohibit smoking and tobacco products.
 New Section 601.P. was added to delineate requirements for out-of-service vehicles.

Section 700. Equipment (II).

Section 700 was rewritten in its entirety due to technological advancements since last Regulation revision in 2006 and to match accepted national prehospital care standards.

Section 800. Sanitation Standards for Licensed Providers.

Section 802.A. was corrected for grammar.
 Section 802.G. was revised to delete an unnecessary word.
 Section 802.H. was revised for clarity and grammar.
 Section 802.J. was added to require that all licensed providers carry sufficient and appropriate cleaning supplies.
 Section 803.B. was revised to replace “stretchers” with “cots.”
 Section 804.C. was revised to make grammatical correction.
 Section 804.E. was added requiring all units that carry portable oxygen must have a non-sparking oxygen wrench in order to use on the oxygen regulators in that unit.
 Section 805.A. was revised to allow for additional equipment needed to facilitate the use of a bag valve mask.
 Section 805.C. was revised to eliminate the decontamination of oxygen equipment and require single use.
 Section 805.D. was added to meet national disinfectant standards.
 Section 806.A. was revised to require single-use equipment.
 Section 806.D. was revised to require single-use equipment and added “sealed” to requirement.
 Section 806.E. was revised include reference to Section 805.D.
 Section 807.A. was revised to correct grammar replacing “and” with “or.”
 Section 807.F. was added that requires all splints must be in functional working order with the recommended manufacturer's attachments.
 Section 807.G. was added to require single-use equipment.
 Section 808.A. was revised to correct grammar.
 Section 808.B. was revised to include references to cots.
 Section 808.E. and F. were revised to address spinal immobilization board construction.
 Section 809.C. revised to make burn dressings single use only.

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Section 809.D. was revised to state single-use equipment.

Section 810.B. was revised to state single use OB kits.

Section 810.C. was added that individual item that have an expiration date in OB kits may be replaced if the rest of the other items are individually sealed and sterile.

Section 811 was revised to eliminate sterilization of oral airways and laryngoscopes.

Section 812.A. was revised changing language to national standards and standard practice.

Section 812.B. was revised to refer to a cot instead of stretcher.

Section 815.A. was revised to add non-certified drivers to meet same dress requirements as certified personnel and deleted "neat" from requirement.

Section 815.C. was revised to delete "neat" from requirement and to update regulation with OSHA parlance and accepted practice.

Section 900. Training and Certification.

Section 900 was rewritten in its entirety to meet 2010 State statutory requirements and national standards.

Section 1000. Personnel Requirements (I)

Section 1000.A. was revised to change the name of the certification levels to reflect the current nomenclature.

Section 1000.B was revised to correct grammar and to add physicians to the exception.

Section 1000.B.1. was amended to match the current parlance of "scope of practice".

Section 1000.B.2. was amended to correct grammar and to change "home" to "residence".

Section 1000.D. was amended to correct a section reference.

Section 1100. Revocation.

Section 1100.A.1 was revised to correct grammar.

Section 1100.B. the Misconduct section was revised in its entirety to correct grammar and flow of the document; and to bring the wording in line with the language in the EMS Act.

New Section 1100.C. was added to prescribe the Department's enforcement actions.

Section 1200. Air Ambulances.

Section 1201.A. is revised in its entirety for clarification. Each item required is now delineated for clarity and better understanding of the license and insurance requirements.

Section 1201.B.1 text was deleted due to being obsolete.

New Section 1201.B.1 was added to reflect 44-61 that out of the air ambulances are required to have a South Carolina in order to engage in operations in South Carolina.

New Section 1201.B.3 is added for consistency with other ambulance provider patient care reporting requirements.

Existing Section 1201.C.1 was deleted because it was superfluous. This activity is captured by prehospital air transports.

Section 1201.C.2 was renumbered to Section 1201.C.1 and revised to improve the sentence clarity in this section.

Section 1201.C.3 was renumbered to Section 1201.C.2. and revised to reflect new nomenclature and to clarify the purpose of a specific purpose air ambulance.

Section 1201.D. was revised in its entirety to bring required configurations in line with national standards for air medical aircraft and to update language.

Section 1201.E. was rewritten in its entirety to reflect current national standards and accepted industry practices.

Section 1201.F.6. was revised to add "requirements" and the section of the regulations which delineates those requirements for Medical Control.

Section 1201.G.1 and G.2 were revised to include South Carolina.

Section 1201.G.2 and G.3 were revised to change advance life support to "prehospital", to remove "EMT".

Sections 1201.G.4 and G.5 were added to crew member requirements.

Section 1202 was rewritten in its entirety in accordance with national and industry standards with recommendations from the air ambulance providers.

Section 1203 title was changed eliminating the interfacility air ambulances and the content was edited to match ALS Prehospital Care Ambulance requirements.

Section 1204 was deleted in its entirety and its content incorporated into Section 1202.

Section 1205 was renumbered to Section 1204.

New Section 1204 was revised to add “fluid or blood product” to items needing medical control approval for use in an air transport by registered nurse or physician; replaced the word “drug” with “medication.”

New Sections 1204.A. through 1204.D. were added to bring air ambulance medication requirements in line with ground ambulance requirements.

Section 1206 was renumbered to Section 1205. No substantive changes.

Section 1300. Patient Care Reports.

Section Title – Added (III) for emphasis. This section is already a Class III violation.

New Section 1301 was added to define and regulate patient care reports.

Existing Section 1301 was renumbered to Section 1302 and renamed to Data Manager since all patient care reports are now digitally submitted and stored.

Section 1302.A. was revised to define the role of the Data Manager which replaced the Forms Control Officer.

Section 1302.B. was amended to reflect the role name change from Forms Control Officer to Data Manager.

Added new Section 1302.C. to add a requirement that each ePCR submitted must reflect all the attendants on the incident including a non-certified driver (if applicable).

Existing Section 1302, renumbered to Section 1303.

Existing Section 1303.B. was renumbered to 1303.A. and revised to include “all providers on call” to be part of the patient care report.

Section 1303.C. was renumbered to 1303.B. and revised to change the wording that patient care reports should be written coherently and should include all providers on the call.

Added new Section 1303.C. to provide guidance for documenting refusal calls.

Added new Section 1303.D. to delineate the requirements for data submissions from ePCR software.

Existing Section 1303, renumbered to Section 1304, added new section 1304.A. to include PreMIS information.

Existing Section 1303.A. renumbered to Section 1304.B. was revised to delete space and supplies which are no longer necessary.

Existing Section 1303.B. renumbered to Section 1304.C. and was revised to meet new entry data requirements.

Existing Sections 1303.C., D. and E. were renumbered to Sections 1304.D., E. and F. respectively.

Existing Section 1303.F. was deleted because it was no longer relevant.

Section 1304.G. was revised for clarity changing “their” to “the.”

Section 1304.H. was revised for drafting standards.

Section 1400. Do Not Resuscitate Order.

Section 1401.A. was amended for grammar.

Section 1401.C. was amended for clarity.

Section 1402.B. was amended for clarity.

Section 1403.C. was added to prohibit an individual under eighteen (18) years of age from requesting or receiving a DNR in accordance with state law.

Section 1406.F. was amended to add the clarification “(ONLY withheld in the face of cardiac arrest)” for the restriction of continuous cardiac monitoring.

Section 1407.A. was revised for clarity: “suction” to “suctioning.”

Section 1407.D. was revised for grammar since more than one medication is meant.

Section 1500. Fines and Monetary Penalties.

New Section 1500 was added.

New Section 1501.A. contains a schedule of monetary penalties for class violations. The table related to monetary penalties was moved from existing Section 304.F with no changes to the penalty amounts.

New Section 1501.B. also incorporates the schedule of fines for failed reinspections of permitted ambulances or the new Category IV violations. The table was moved from existing Section 401.C.1 with defined fine amounts based on failed points accrued.

New Section 1501.C. was added to delineate actions for multiple occurrences of violations.

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Section 1600. Severability.

This section was renumbered to 1600. No substantive changes were made.

Section 1700. General.

This section was renumbered to 1700. No substantive changes were made.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, persons are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Robert A. Wronski, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to wronskra@dhec.sc.gov. Comments may also be submitted electronically on the Public Comments for Health Regulations page at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the deadline, December 29, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on January 7, 2016, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Mr. Wronski at the above address. Also, electronic copies of the proposed regulation will be available on the Department's Regulatory Development Update website at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the "Emergency Medical Services & Trauma" topic and scroll down for R.61-7.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any inherent requirements of this regulation. There are no external costs anticipated.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness is based on an analysis of the factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-7, *Emergency Medical Services*.

Purpose: The purpose of these amendments to R.61-7 is to clarify standards pertaining to Emergency Medical Services in South Carolina. These proposed amendments incorporate changes in the statutory authority of the

regulation, incorporate statutory requirements for EMT certification and training, update the vehicle equipment list to current accepted industry standards, modify the ground ambulance requirements to reflect the most current standards, change the air ambulance requirements to reflect the latest statutory amendments, incorporate requirements for ambulance drivers, modify the name of first responder agencies to rapid response vehicles, add and amend definitions, and rewrite the certification and training requirements. In addition, provisions have been amended for general clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Section 44-7-260.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of R.61-7, which includes these latest amendments, will be available electronically on the Department's Laws and Regulations website under the Health Regulations category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, this regulation will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office. The Department will also send an email to stakeholders, affected services and facilities, and other interested parties.

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

Pursuant to S.C. Code Section 1-23-120(J), the Department is required to perform a formal review of its regulations every five (5) years and update them if necessary. Regulation 61-7 has not been substantively updated since 2006. These amendments are necessary to incorporate changes in the Emergency Medical Services Act. The amendments further clarify and improve EMT certification and training, vehicle equipment lists, ground and air ambulance standards, and incorporate requirements for ambulance drivers.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. Amendments to R.61-7 update standards of licensure, procedures, and requirements for EMS organizations and providers while maintaining the interests of patient health and safety and lessening provider burdens.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-7 seek to reasonably simplify the EMS regulations while providing standards in the interest of patient care and safety for the treatment and transport of the sick and injured in South Carolina. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, unnecessary burdens may be placed on EMS providers by not updating the regulations to current national standards.

58 PROPOSED REGULATIONS

Statement of Rationale:

The Department proposes amending R.61-7 to incorporate changes in the Emergency Medical Services Act of South Carolina. Specifically, the amendments incorporate updated statutory requirements for EMT certification and training, eliminate the vehicle equipment list, modify the ground ambulance requirements to reflect the latest standards, change the air ambulance requirements to reflect the latest statutory amendments, include additional certified personnel into the regulation, and modify names of certain response agencies.

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. 4611
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-1-140

61-52. Psittacine Birds

Preamble:

In the interest of good government and efficiency, the Department of Health and Environmental Control (DHEC) proposes the repeal of the regulation listed below because it has become obsolete and is no longer needed:

Regulation 61-52, Psittacine Birds

DHEC proposes repealing Regulation 61-52 for a number of substantive reasons. Most psittacine birds infected with *Chlamydothila psittaci* are asymptomatic; thus, laboratory testing is required to determine if birds are colonized with this bacterial organism. It would place a substantial financial burden on owners of psittacine aviaries and pet stores to be required to test every psittacine bird for *C.psittaci*, in order to determine the carrier status of all pet birds sold in this State. Additionally, the incidence of known severe disease in humans due to *C.psittaci* infection is very low; since 1996, the CDC has received reports of fewer than 50 cases of Psittacosis in the United States each year. In South Carolina, only 2 cases have been reported in the previous 5 year period. Psittacosis symptoms may be mild, consisting of only influenza-like illness; therefore, actual Psittacosis disease burden is unknown, as most people are unlikely to pursue testing for milder illness. Also, routine antibiotic therapy is available to effectively treat most cases of Psittacosis, unlike in earlier eras. Finally, Regulation 61-52 is recommended to be repealed because 1976 Code Section 44-1-80 grants DHEC broad powers to protect the public health; emergency powers could be utilized to institute protections of Regulation 61-52 if needed.

A Notice of Drafting for the proposed repeal was published in the *State Register* on August 28, 2015. See Statement of Need and Reasonableness and Rationale herein for this proposed repeal.

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 repeal of Regulations 61-52 at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department 24 hours in advance of the meeting at the following address:

<http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation repeal by writing to Rachel Radcliffe, DVM MPH, DHEC Public Health Veterinarian, at 2100 Bull St., Columbia, South Carolina 29201 or by email to radclir@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29, 2015 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on January 7, 2015, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation repeal for public comment may be obtained by contacting the DHEC Bureau of Disease Control at the above address. A copy may also be obtained from the *DHEC Regulation Development Update* on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the *Update*, the Disease Control Category, and scan down for this proposed repeal.

Preliminary Fiscal Impact Statement:

The repeal of R.61-52 is anticipated to have no substantial fiscal or economic impact on the State and its political subdivisions.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with Section 1-23-115(c)(1)-(3) and (9)-(11), S.C. Code of Laws, 1976, as amended.

DESCRIPTION OF REGULATION: R.61-52, Psittacine Birds.

Repeal of R-61-52, Psittacine Birds.

Purpose: This regulation describes psittacine birds and restricts individuals and businesses from selling birds known to be ill with Avian Chlamydiosis (also called Psittacosis, in humans) in South Carolina. The regulation requires documentation of any purchase, sale, trade, or exchange of psittacine birds in this State; such documentation is required to be presented for inspection by the Board of Health.

Regulation 61-52 is recommended to be repealed because it places an unnecessary financial burden on individuals and business owners in this State to have every psittacine bird sold, traded, or exchanged tested for Avian Chlamydiosis, as well as documentation retained. Also, fewer than 50 human Psittacosis cases have been reported annually to the CDC in the USA in recent years; and, most Psittacosis cases are effectively treated with antibiotics.

Legal Authority: 1976 Code Section 44-1-140.

Plan for Implementation: The proposed repeal will take effect upon approval by the S.C. General Assembly and publication in the *State Register*. Subsequently the R.61-52 will appear as repealed in the S.C. Code of Regulations.

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

Regulation 61-52 puts an inordinate financial burden on the private sector to fund laboratory testing for every psittacine bird that is either purchased, sold, traded, or exchanged, as laboratory testing is required to determine *Chlamydophila psittaci* status of birds. It would also present an inordinate burden on individuals and businesses in the private sector to keep transaction records for every purchase, sale, trade, and exchange of psittacine birds in this State. Regulation 61-52 requires these transaction records to be kept and available for inspection by the Board of Health; while, no Bureau of the Department is currently charged with performing this task.

DETERMINATION OF COSTS AND BENEFITS:

The repeal of R.61-52 will have no substantial fiscal or economic impact on the State and its political subdivisions; however, it could produce economic savings to the private sector.

UNCERTAINTIES OF ESTIMATES:

No known uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There are no known anticipated detrimental effects to either the environment or public health posed by the repeal of 61-52. The incidence of known severe disease in humans due to *C.psittaci* infection is very low; since 1996, the CDC has received reports of fewer than 50 cases of Psittacosis in the United States each year. In South Carolina, only 2 cases have been reported in the previous 5 year period. Psittacosis symptoms may be mild, consisting of only influenza-like illness; therefore, actual Psittacosis disease burden is unknown, as most people are unlikely to pursue testing for milder illness. Also, routine antibiotic therapy is available to effectively treat most cases of Psittacosis, which was not the case in earlier eras.

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

There is no anticipated detrimental effect to either the environment or public health posed by the repeal of R. 61-52, as individuals and businesses currently do not adhere to the requirements of the regulation.

Statement of Rationale:

The Department proposes repeal of R.61-52 for a number of substantive reasons. Modern scientific research has shown that most psittacine birds are asymptomatic carriers of *C.psittaci*; therefore, laboratory testing is required to demonstrate infection in these birds. Testing of all psittacine birds that are purchased, sold, traded, or exchanged in the State would pose an inordinate burden on individuals and business owners in the private sector. Also, retention of documentation of said testing, as well as purchases, sales, trades, and exchanges of all psittacine birds would posed a large burden for the private sector. Finally, in the current era of medicine, Psittacosis is effectively treated with antibiotics; and, fewer than 50 human cases are reported annually in the USA to the CDC.

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. 4612

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

61-21. Sexually Transmitted Diseases

Preamble:

The Department of Health and Environmental Control (Department) proposes amending Regulation 61-21, Sexually Transmitted Diseases. In the interest of supporting the Department’s goal of promoting and protecting the health of the public in a more efficient and effective manner, these amendments will update the language to be consistent with medically accurate terms and disease prevention methods.

A Notice of Drafting for these proposed amendments was published in the *State Register* on April 24, 2015. The Department received no public comments during the drafting comment period.

Section-by-Section Discussion of Proposed Amendments:

Statutory Authority for the regulation is added under the title of the regulation.

61-21.B.

Revise to delete venereal in reference to sexually transmitted diseases and to define them as spread through person-to-person sexual contact and as identified annually in the DHEC List of Reportable Diseases.

61-21.H.

Revise to specify the public school notification requirement as kindergarten through fifth grade.

61-21.K(4)(c)

Revise to remove “nonoxynol-9 and other chemical agents” as this is no longer recommended.

61-21.L(3)

Revise to remove “nonoxynol-9 or other chemical agents” as this is no longer recommended. Revise to move “condoms” within the text for clarity and readability.

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 R.61-21 at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to (5) five minutes or less and, as a courtesy, are asked to provide written copies of their presentation for the record. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

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Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to Virginie Daguise, Bureau of Disease Control, South Carolina DHEC, 2100 Bull Street, Columbia, SC 29201, or by e-mail at daguisvg@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29, 2015 deadline shall be considered by the Department in formulating the final proposed regulation amendments for public hearing on January 7, 2016 as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed amendments for public comment may be obtained by contacting Virginie Daguise at the above address or by email at daguisvg@dhec.sc.gov. A copy may also be obtained from the DHEC Regulation Development Update on the Department's Regulatory Information Internet Site at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. To access this document, click on the Update, the Disease Control Category, and scan down to the proposed amendments of R.61-21.

Preliminary Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

Statement of Need and Reasonableness and Rationale:

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

DESCRIPTION OF REGULATION: Amendment of Regulation 61-21, Sexually Transmitted Diseases.

Purpose: The proposed amendments to Regulation 61-21, Sexually Transmitted Diseases, update the language to be consistent with medically accurate terms and disease prevention methods. The Regulation gives the Department of Health and Environmental Control the responsibility and authority for specifying and directing the methods of control of communicable and other publicly preventable diseases.

Legal Authority: The legal authority for R.61-21 is derived from 1976 S.C. Code Sections 44-1-110, 44-1-140 and 44-29-10 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly, and publication in the State Register. An electronic copy of R.61-21, which includes these latest amendments, will be published on the Department's Regulation Development website at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations>. At this site, click on the Disease Control category and scroll down to R.61-21. Subsequently, this regulation will be published on the S.C. Legislature Online website in the S.C. Code of Regulations. Printed copies will be made available at cost by request through the DHEC Freedom of Information Office. The Department will also send an email to stakeholders and affected facilities and to other interested parties.

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

The proposed amendments to Regulation 61-21 are needed to update the medical terms and conditions to reflect current terminology, specify the school notification requirement as kindergarten through fifth grade, and to remove "nonoxynol-9 or other chemical agents" as this is no longer recommended.

The above amendments are reasonable because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community, and support Department goals.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these proposed amendments. There are no anticipated costs to the regulated community as a result of the proposed amendments.

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 Regulation 61-21 seek to support the Department's goals relating to the protection of public health through the anticipated benefits stated above. There is no anticipated effect on the environment.

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

There is no anticipated detrimental effect on the environment associated with these amendments. Possible detrimental effect on public health includes failure to realize the anticipated benefits highlighted above.

Statement of Rationale:

The Department proposes amending Regulation 61-21, Sexually Transmitted Diseases, in the interest of overall quality improvement and updates for consistency with current terminology and public health recommendations.

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. 4614

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

Statutory Authority: 1976 Code Sections 44-96-10 et seq.

61-107.12. Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities

Preamble:

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the South Carolina Department of Health and Environmental Control (Department or DHEC) to promulgate regulations establishing standards for the management of facilities that incinerate solid waste. In 1993, to satisfy the requirements of the Act, the Department promulgated R.61-107.12 Solid Waste Management (SWM): Solid Waste Incineration and Solid Waste Pyrolysis Facilities. The regulation was last amended May 28, 1999.

The Department is proposing to amend the regulation to provide exemptions from R.61-107.12 for law enforcement, customs and agricultural import inspection agencies that use incinerators for the destruction of prohibited and illegal contraband; and conditional exemptions for small air curtain incinerators that store less

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than 400 cubic yards of land-clearing debris or yard trimmings. The amendment also makes the requirements for air curtain incineration facilities easier to understand by creating a new section in the regulation specifically for air curtain incineration facilities. Some of the requirements for air curtain incineration facilities have also been reduced. This amendment adds the procedures for notifying the public about new permit applications and Department decisions concerning permits. It also clarifies the financial assurance requirements for these facilities and updates the mechanisms available to use for financial assurance. The amendment updates the regulation with the correct statutory reference for the issuance of a Department order, a civil enforcement action, or a criminal enforcement action for violations of this regulation.

A Notice of Drafting to promulgate this amendment was published in the *State Register* on April 24, 2015. Notice was also published on the Department's Regulation Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Bureau of Land and Waste Management internet site. The proposed amendment was drafted in consultation with representatives of state and local government, existing air curtain incinerator operators and manufacturers, the waste disposal industry, the State Solid Waste Advisory Council, environmental groups, the Association of Counties, the South Carolina Municipal Association, and Department staff. This regulation will require legislative review.

Section-by-Section Discussion of Proposed Regulation as Amended

Regulation 61-107.12, SWM: Solid Waste Incineration and Solid Waste Pyrolysis Facilities

Insert new bold title text “**Part I. Applicability, Definitions, and General Provisions.**”

The regulation is revised into four parts. Part I will contain Sections A., B., and C. of the regulation.

A. Applicability.

A.2. is amended to strike “Mobile air” and replace with the “Air” for clarification; strike the text “trash” and replace with “trimmings” for clarification and consistency with other regulations; and strike the text “temporarily used in clean-up after a natural disaster” and replace with the text “used for emergency storm debris management at sites designated by state, county and municipal government” and for clarification and consistency with other regulations.

A.6. is added as a new sub-item to exempt government owned and operated incineration facilities from the requirements of R.61-107.12 when the incineration is performed by law enforcement agencies to destroy illegal or prohibited goods.

A.7. is added as a new sub-item to introduce conditional exemptions for facilities that store less than four hundred cubic yards of clean wood waste prior to incineration. When the facility maintains the conditions of Part II, Sections B., C., E. and F. of the regulation, the facility is exempt from solid waste permitting requirements. This change is made to be consistent with a similar exemption contained in R.61-107.4 Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals.

B. Definitions. This section defines terms used in the regulation.

B.8. text “financial responsibility mechanism” is replaced with “financial assurance mechanism” for consistency with R.61-107.19 SWM: Solid Waste Landfills and Structural Fill.

B.12.I. is revised to renumber sub-items i. through vi. as sub-items 1. through 7. for consistency with outlining style used in the regulation.

B.19. revises the definition for “recovered materials” for consistency with the Solid Waste Policy and Management Act.

B.20. the text “lowdensity” is replaced with “low-density”.

B.29. adds a new sub-item and definition for “Waters of the United States” as found in R.61-9. Water Pollution Control Permits.

C. General Provisions. This section contains general requirements that are applicable to all solid waste incineration facilities.

C.1. is revised to clarify requirements for determinations of consistency with local solid waste management plans. The text “Incineration facilities shall be consistent with the State and host Region/County Solid Waste Management Plans.” is stricken, and the sub-item now states that no permit to construct a new solid waste incineration facility may be issued by the Department unless the proposed facility is consistent with the local or regional solid waste management plan and the state solid waste management plan. The revised section clarifies that consistency determinations shall be made in accordance with the state and county or regional solid waste management plans in effect on the date that a complete application is received by the Department. The revision further clarifies that consistency does not apply to industrial facilities managing solid waste generated in the course of normal operations on property under the same ownership or control as the waste management facility, but that the facilities shall be consistent with the applicable local zoning and land use ordinances.

C.1.(a) is renumbered as C.1.a for stylistic consistency with outlining used in the regulation, and text revised to eliminate a tonnage limit exemption that no longer has applicability to any permitted incinerator.

C.1.(b) is renumbered as C.1.b for stylistic consistency with outlining used in the regulation.

C.2. is revised to add a reference to R.61-107.17. SWM: Demonstration of Need for its relevancy to siting a solid waste incineration facility.

C.3. is revised to clarify that an exemption granted under this regulation does not exempt the facility from permitting requirements of other Department programs and regulations.

C.5. and C.6. are deleted to eliminate the previous timelines allowed for unpermitted facilities to achieve compliance with the regulation.

C.7. through C.11. are renumbered to account for the removal of C.5. and C.6.

C.8. is renumbered as C.6. and corrects the text “collocated” with “co-located”.

C.10. is renumbered as C.8. and adds requirements for submittal of a disclosure statement and proof of financial assurance before an existing permit for a facility can be transferred to a new owner or operator.

Insert new bold title text “**Part II. Requirements for Air Curtain Incineration Facilities**” after sub-item C.9.

Part II contains all new text for application requirements, facility design, operating criteria, and reporting requirements for air curtain incineration facilities. The requirements in this new section have been revised and streamlined to reduce the regulatory burden on small business.

Insert new title text “A. Permit Application Requirements.” followed by text of new sub-items A.1. through A.3. This new application section streamlines the permitting process and reduces the documentation required for the applicant to submit. One paper copy and one digital copy of the application is required instead of three paper copies. An engineering report is replaced with an operating report that describes facility structures on site, access roads, loading and unloading areas, storage areas, fences and gates, disposal locations and planned re-use for ash from the site. It also requires a map showing the site, land use and zoning within a quarter mile of the site and a site plan showing property boundaries, with existing and proposed structures. Detailed engineering plans

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and specifications for the incinerator and other related machinery are still required. There are some new requirements for air curtain facility applications. The distances to any required buffers must be shown on a map. An itemized closure cost estimate is required instead of a closure plan. There are also new requirements for notifying the county and property owners contiguous to the permit area. Some of the application documents proposed for elimination include; drawings of buildings and structures on a one foot per quarter inch scale, air quality monitoring plans, operation and maintenance manuals, and waste control plans.

Insert new title text “B. Design Requirements for Air Curtain Incineration Facilities.”

Insert new text of sub-items B.1. through B.11. This section contains all of the design requirements of the current regulation with the exception that water available at adequate volume and pressure to supply water hose streams, automatic sprinklers, or water spray systems will not be required.

B.2. is a new requirement. The active waste handling area and burn trench must have separation from groundwater at all times.

B.4. the text “surface water” is replaced with “waters of the U.S.”

Insert new title text “C. Operations Criteria for Air Curtain Incineration Facilities.” after sub-item B.11.

Insert new text for sub-items C.1. through C.5. The operations criteria have been substantially revised. Due to the restricted waste stream and quantity of material that air curtain incinerator facilities can have on hand, the vector control requirements are eliminated. The pre-startup inspection by Department personnel is deleted. A vague reference to “minimizing interference with other activities in the area” is deleted. Redundant references to management of unauthorized wastes are eliminated from the text of the regulation.

C.1. is a new sub-item for the regulation that explicitly restricts the waste streams for an air curtain incinerator facility to clean wood, yard and land-clearing debris consisting of only untreated natural wood debris, untreated or unfinished wood waste, or mixtures of these waste streams.

Insert new title text “D. Reporting Requirements. Facilities with air curtain incinerators shall report annually to the Department by October 15 for the previous fiscal year (July 1 through June 30), which includes at a minimum, the following information:” after sub-item C.5.

Insert new text for sub-items D.1. through D.4. The reporting requirements are the same as in the current regulation except that the type of solid waste (i.e., residential, medical, commercial, industrial, special, and other) is not required for reporting for air curtain incineration facilities.

Insert new title text “E. Closure Requirements. All air curtain incineration facilities shall comply with the closure and post-closure procedures as specified in Part IV.A of this regulation.”

Insert new title text “F. Training Requirements. All air curtain incineration facilities shall comply with personnel training requirements in Part IV.C of this regulation.”

Insert new bold title text “**Part III. Requirements for Solid Waste Incineration and Pyrolysis Facilities.**” This Part applies to all facilities using incineration technologies for the disposal of solid waste except for Air Curtain Incineration facilities permitted in accordance with the requirements in Part II of this regulation.”

Part III. contains Section D. Permit Application Requirements, Section E. Design Requirements, Section F. Operations Criteria, and Section G. Monitoring and Reporting Requirements of the current regulation although the section lettering will be revised for consistency with outlining used in the regulation.

D. Permit Application Requirements is changed to “A. Permit Application Requirements” and the discussion reflects the codification change of Section D. sub-items to Section A. sub-items.

A.2. is revised to require permit application submittal of one printed copy and a digital copy rather than three printed copies.

A.2.c. text referencing air curtain incinerators is deleted from Part III.

A.2.d. text “Section I” is revised to “Part IV.C” to accommodate for changes made to the outlining of the regulation.

A.2.f. sub-item is deleted to eliminate submittal of a description of the air quality monitoring plan in the permit application since the requirements for air quality monitoring are addressed in other Department regulations and permits, and would be redundant. Subsequent sub-items in Section A are re-lettered to account for removal of A.2.f.

A.2.k. is revised to add new details required for closure plans.

A.2.l. is substantially revised to delete text concerning financial responsibility (addressed in another section of the regulation) and to add text that requires and defines a “closure cost estimate” and to provide the proper citation in the regulation to find financial assurance requirements.

A.2.m. text referencing air curtain incinerators is deleted from Part III.

A.3. through A.3.d. new text is added detailing public noticing requirements for a permitted incineration facility. The applicant will notify the county and landowners within a mile of the proposed permit area. The sub-item also describes how the Department will notify interested parties of the permit decision.

E. Design Requirements is changed to “B. Design Requirements.” And the discussion reflects the codification change of Section E. sub-items to Section B. sub-items.

B. Design Requirements title text referencing air curtain incinerators is deleted from Part III.

B.1. contains a stylistic revision.

B.3. text “surface waters” is revised to “waters of the U.S.”

B.4. text “U. S.” is revised to “U.S.” to remove a space between the letters.

B.5. delete the unnecessary comma following the word “facility” and text referencing air curtain incinerators is deleted from Part III. Text is added requiring all active waste handling areas and all ash management areas to have separation from the groundwater table at all times.

B.8. delete the unnecessary comma following the word “facility” and text referencing air curtain incinerators is deleted from Part III.

B.14. text “Preparedness” is capitalized for stylistic consistency.

F. Operations Criteria is changed to “C. Operations Criteria.” and the discussion reflects the codification change of Section F. sub-items to Section C. sub-items.

C. Operations Criteria title text referencing air curtain incinerators is deleted from Part III.

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C.5. text “incinerator” is changed to “incineration”.

C.7.a. text referencing a “quarterly” report is revised to “annual” report.

C.7.d. is revised to clarify “Wastes shall be stored so as to prevent a fire hazard.”

C.8. text “Changes” is revised to be capitalized.

C.9. text “Preparedness” is revised to be capitalized.

C.9.b. and C.9.c. are revised to remove an outdated emergency response telephone number and to clarify who to contact during an emergency or unscheduled shutdown.

G. Monitoring and Reporting Requirements is changed to “D. Monitoring and Reporting Requirements.” and the discussion reflects the codification change of Section G. sub-items to Section D. sub-items.

D. Monitoring and Reporting Requirements title text referencing air curtain incinerators is deleted from Part III.

D.1. text is revised to clarify when the Department may require environmental monitoring.

D.2.d. text “of the distribution and/or disposal” is deleted for clarification.

D.3. text “Section J” is revised to “Part IV.D” to provide proper citation due to changes to the outlining of the regulation.

D.4. is revised to remove an outdated emergency response telephone number.

D.5. is the last sub-item in Part III.

Insert bold title text “**Part IV. General Requirements.**”

Part IV. contains Section H. Closure and Post-Closure Procedures, Section I. Personnel Training Requirements, Section J. Ash Residue Requirements, Section K. Corrective Action Requirements, Section L. Violations and Penalties, Section M. Permit Review, and Section N. Severability that apply to all solid waste incineration and pyrolysis facilities. A new section, Financial Assurance Requirements, is also added to Part IV. The lettering for these sections is revised for consistency with outlining style used in the regulation.

H. Closure and Post-Closure Procedures. is changed to “A. Closure and Post-Closure Procedures.” and the discussion reflects the codification change of Section H. sub-items to Section A. sub-items.

A.1. sub-item and text referencing “Financial Assurance” is deleted entirely.

A.2. sub-item and text “Closure and Post-Closure Care Procedures.” is deleted so that the remaining text “Closure and post-closure procedures addressed in this section apply to all solid waste incineration facilities.” becomes the title text immediately following “A. Closure and Post-Closure Procedures.” The remaining sub-items in the section are re-numbered for consistency with outlining style used in the regulation.

A.3. is revised with text added to clarify when conditionally exempt facilities and permitted facilities are required to remove all wastes, contaminated soils and equipment for proper closure of a facility.

A.5. is revised to re-number a reference within the sub-item that changed when the sub-items of this section were re-numbered for consistency with outlining style used in the regulation.

Insert title text “B. Financial Assurance Requirements” after sub-item A.5.

Insert the new text sub-item B.1. through sub-item B.9.b. that compose this new section. This new section of the regulation clarifies the requirements for financial assurance for all permitted solid waste incineration facilities. It references the allowable mechanisms contained in R.61-107.19, SWM: Solid Waste Landfills and Structural Fill Part I.E and procedures for adjusting the amount of financial assurance required during the life of the facility. While this section is a newly proposed section, the requirements for financial assurance are the same as in the current regulation.

I. Personnel Training Requirements. is changed to “C. Personnel Training Requirements.” and the discussion reflects the codification change of Section I. sub-items to Section C. sub-items.

C.5. text “(3)” is added after “three” for stylistic consistency in the regulation.

J. Ash Residue Requirements. is changed to “D. Ash Residue Requirements” and the discussion reflects the codification change of Section J. sub-items to Section D. sub-items.

D.1.h. text “60 (sixty)” is changed to “sixty (60)” for stylistic consistency within the regulation.

K. Corrective Action Requirements. title text is changed to “E. Corrective Action Requirements.”

L. Violations and Penalties. title text is changed to “F. Violations and Penalties.” This section is revised to reference the authority of the Department to issue orders and initiate enforcement actions as granted in the Solid Waste Policy and Management Act. An outdated reference to the Administrative Procedures Act is deleted.

M. Permit Review. title text is changed to “G. Permit Review”. and the discussion reflects the codification change of Section M. sub-items to Section G. sub-items.

G.1. text “tocomply” is revised to “to comply”.

N. Severability. title text is changed to “H. Severability”

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf> . The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Jana White, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to whitejm@dhec.sc.gov . To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29 deadline shall be considered by the Department in formulating the final proposed regulation

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for public hearing as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Jana White at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the DHEC Regulation Development Update at <http://www.scdhec.gov/regulatory.htm>. (Click the link for Regulation Development Update in the Regulatory Development section, and scroll down the page to find the Land and Waste Management section and the text of the proposed amendment to R.61-107.12).

Preliminary Fiscal Impact Statement:

Additional costs to state government are not anticipated. There are no direct costs to local governments that can be attributed to this regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF THE REGULATION: Amendment, R.61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities.

Purpose: The proposed amendment of R.61-107.12 Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities will reorganize the regulation, update the rules for public noticing incineration facilities, update the financial assurance provisions of the regulation, and clarify the timing aspects for making evaluations of consistency with state and local government solid waste management plans. The primary purpose of this regulation amendment is to clarify the requirements for air curtain incinerators by creating a new section of the regulation explicitly for air curtain incineration facilities. This proposed amendment seeks to provide exemptions from R. 61-107.12 for law enforcement, customs and agricultural import inspection agencies that use incinerators for the destruction of prohibited and illegal contraband; and conditional exemptions for small air curtain incinerators that store less than 400 cubic yards of land-clearing debris or yard trimmings. The amendment also updates the regulation with the correct statutory reference for the issuance of a Department order, a civil enforcement action, or a criminal enforcement action.

Legal Authority: 1976 Code Section 44-96-10 *et seq.*

Plan for Implementation: Upon approval of the General Assembly and publication in the South Carolina *State Register*, a copy of the revised regulation will be available electronically on the Department's Laws and Regulations website under the Land and Waste Management category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, a copy of the regulation will be published in the S.C. Code of Regulations on the S.C. Legislature Online website. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will notify parties that have expressed interest in the regulation amendment process, and will communicate with affected parties on the requirements of the amended regulation. No additional positions or personnel should be needed to enforce the regulation as proposed.

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

The proposed amendments are needed and reasonable because the current regulation was last amended in 1999, and updates are needed for clarity and for consistency with other regulations. This amendment would make the

solid waste management requirements for air curtain incinerators easier to convey with the creation of a new section of the regulation that explicitly addresses requirements for air curtain incineration facilities.

The amendment is reasonable in the way the requirements are simplified for South Carolina small businesses to utilize air curtain incineration for disposal of clean wood waste. The proposed amendment should not require additional staff to implement the provisions.

DETERMINATION OF COST AND BENEFITS:

Internal costs and benefits: Implementation of this regulation amendment is not expected to require additional Department resources.

External costs and benefits: This amendment benefits the public with the addition of noticing requirements for new facilities. The revision will benefit the regulated community by clarifying exemptions and permitting requirements for incinerators. The increased noticing requirements are expected to add some additional costs to persons seeking permits; however, these costs are expected to be very small relative to the costs for siting a new facility.

UNCERTAINTIES OF ESTIMATES:

There are no foreseeable uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation will protect the environment and promote public health by ensuring that solid waste is managed properly prior to being burned at an incineration facility. The ability to use air curtain incinerators on site for the destruction clean wood waste and debris can reduce the costs and air emissions associated with hauling material to other sites for grinding or disposal. This revision clarifies requirements for obtaining a solid waste permit, but does not reduce any requirements to obtain appropriate permits from the Bureau of Air Quality, and therefore does not reduce air quality standards for incinerating solid waste. There is no anticipated detrimental effect on the environment or public health as a result of the proposed revision.

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

The regulation clarifies the financial assurance requirements for all incineration facilities in the state and will likely lessen the chances that state or local governments are burdened with the costs of demolition and remediation of sites formerly used for incineration. There are no anticipated detrimental impacts to the environment or public health as a result of this proposed revision.

Statement of Rationale:

The South Carolina Solid Waste Policy and Management Act of 1991 directs the Department to develop regulations to ensure solid waste is disposed and managed in such a way as to be protective of the environment and public health. This amendment provides additional clarity and specificity to the existing regulations to address permitting requirements for solid waste incinerators. The revision reorganizes the regulation for clarity, addresses exemptions from permit requirements, adds public noticing requirements, and clarifies financial assurance requirements. The revisions are based on recommendations solicited from a workgroup comprised of representatives of state and local government, the waste disposal industry, manufacturers of air curtain incinerators, the State Solid Waste Advisory Council, environmental groups, the Association of Counties, and the South Carolina Municipal Association.

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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. 4613
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-96-10 et seq.

61-107.279. Solid Waste Management: Used Oil

Preamble:

The South Carolina Solid Waste Policy and Management Act (Act), Section 44-96-10 et seq., S.C. Code of Laws, 1976, as amended, requires the Department to promulgate regulations establishing standards for the management of used oil. In 1995, to satisfy the requirements of the Act, the Department promulgated R.61-107.279, Solid Waste Management: Used Oil. The regulation has not been amended since it became effective in 1995.

The Department is proposing to amend the regulation in order to better support the Department's goal of protecting the health of the public and environment. This proposed amendment removes the requirement for used oil fuel marketers to obtain a permit; revises existing language for clarity; and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil standards and when it is not to conform to federal regulations. The revision clarifies violations and penalties.

The statutory process for development of this regulation was initiated by publication of a Notice of Drafting in the *State Register* on April 24, 2015. Notice was also published on the Department's Regulation Information internet site in its monthly *DHEC Regulation Development Update*, as well as on the DHEC Bureau of Land and Waste Management internet site. Comments received during the drafting comment period were considered in drafting the proposed amendment. The proposed amendment was drafted in consultation with used oil transporters, used oil processors, used oil fuel marketers, used oil burners, and representatives of the waste management industry. Input was solicited from representatives of environmental organizations and the South Carolina Retail Association. Opportunity for public sector representation was provided to federal, state, county and municipal government representatives, the South Carolina Association of Counties, the South Carolina Municipal Association, the South Carolina Department of Commerce, and Department staff. A representative of the United States Environmental Protection Agency (EPA) also provided comment on the drafting of this amendment. This regulation revision will require legislative review.

Section-by-Section Discussion of Proposed Regulation

61-107.279. Solid Waste Management: Used Oil.

Subpart B: Applicability

Section 61-107.279.10.i is revised to address PCBs consistent with the federal regulation 40 CFR 279.

Section 61-107.279.10.j is added to address how existing fuel marketer permits will be administratively terminated.

In section 61-107.279.11, Table 1 is reformatted for clarity and for consistency with the table in 40 CFR 279.11.

Subpart C: Standards for Used Oil Generators

Section 61-107.279.22.b(3) is added to require used oil generator facilities to ensure containers are “closed to prevent spillage or contamination from precipitation.”

Subpart E: Standards for Used Oil Transporter and Transfer Facilities

Section 61-107.279.42.a – Changed for clarity.

Section 61-107.279.45.c(3) is added to require used oil transporters and used oil transfer facilities to ensure containers are “closed to prevent spillage or contamination from precipitation.”

Section 61-107.279.46.a is revised to add the words “Used oil” before “manifests” for clarity.

In sections 61-107.279.46.f(2) and 61-107.279.46.f(4) the word “materials” is replaced with the words “used oil” for clarity.

Subpart F: Standards for Used Oil Processors and Re-refiners

Section 61-107.279.54.b(3) is added to require used oil processors and re-refiners to ensure containers are “closed to prevent spillage or contamination from precipitation.”

In sections 61-107.279.54.h(1)(a) and 61-107.279.h(2)(b) a comma is changed to a semicolon.

Sections 61-107.279.56.a and 61.107.279.56.c are revised to add the words “used oil” before the word “manifest” to provide clarity.

Subpart G: Standards for Burners Who Burn Off-Specification Used Oil for Energy Recovery

Section 61-107.279.62.a is changed to clarify that the used oil burner must renotify the EPA.

Section 61-107.279.65.a and 61-107.279.65.b are changed to add the words “used oil” before the word “manifests” for clarity.

Subpart H: Standards for Used Oil Fuel Marketers

Section 61-107.279.70.b(1) corrects the spelling of the word “incidently” to “incidentally.”

Section 61-107.279.73.a is changed to remove the requirement for used oil fuel marketers to obtain a permit from the Department. Used oil fuel marketers will now only be required to have an EPA identification number.

Section 61-107.279.74.b. clarifies record keeping requirements for used oil shipments by generators, transporters, processor/re-refiners.

Subpart I: Disposal of Used Oil

Section 61-107.279.80: “Can not” was changed to “cannot” for consistency.

Section 61-107.279.81 regulation numbers were updated to the correct citations.

Subpart M: Penalties

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Subpart M is revised for consistency with other solid waste management regulations. Title is changed to “Violations and Penalties.”

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201. 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Jana White, Bureau of Land and Waste Management, S.C. DHEC, 2600 Bull St., Columbia, S.C. 29201 or by email to whitejm@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the December 29 deadline will be considered by the Department in formulating the final proposed regulation for public hearing as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed revisions for public comment as published in the *State Register* on November 27, 2015, may be obtained online in the DHEC Regulation Development Update at www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/. Click on the Land and Waste Management category and scan down to the proposed amendment to R.61-107.279. A copy can also be obtained by contacting Jana White at the above address or by calling (803)898-1346 or by email at whitejm@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

Additional costs to state government are not anticipated. There are no direct costs to local governments that can be attributed to this regulation.

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 purpose of this regulation is to ensure that used motor oil is collected, stored, transported, processed and disposed in an environmentally protective manner and as required by federal regulation, 40 CFR Part 279. The regulation applies to, and establishes standards for used-oil generators, collectors, transporters, processors, re-refiners, burners, and marketers. The regulation establishes standards for burning used oil, including exemptions for on-site use in space heaters. Additionally, it establishes prohibitions on certain uses of used motor oil, standards for used oil collection centers and aggregation points, and manifesting requirements for transporters. It also addresses standards for used oil filter disposal. It addresses the use of the Petroleum Fund to

recover costs for the proper disposal of contaminated oil accepted from the public at a registered used oil collection facility.

Legal Authority: 1976 Code Sections 44-96-10 *et seq.* Legislative review is required.

Plan for Implementation: Upon approval of the General Assembly and publication in the South Carolina *State Register*, a copy of the revised regulation will be available electronically on the Department's Laws and Regulations website under the Land and Waste Management category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, a copy of the regulation will be published in the S.C. Code of Regulations on the S.C. Legislature Online website. Printed copies will be available for a fee from the Department's Freedom of Information Office. Staff will notify parties that have expressed interest in the regulation amendment process, and will communicate with affected parties on the requirements of the amended regulation. No additional positions or personnel should be needed to enforce the regulation as proposed.

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

The proposed amendments are needed and reasonable because they will update the used oil regulation to conform to the federal used oil regulation and will relieve used oil fuel marketers from securing a nonessential permit. The proposed amendment will support the Department's goal of promoting and protecting the health of the public and the environment, by ensuring used oil is managed properly. This amendment clarifies when used oil contaminated with PCBs is regulated under RCRA used oil management; removes the requirement for used oil fuel marketers to secure a permit; and provides corrections for consistency, clarity, and formatting.

DETERMINATION OF COSTS AND BENEFITS:

Internal costs and benefits: Implementation of these amendments will not require additional resources. There is no anticipated additional cost by the Department or State government due to any inherent requirements of these amendments.

External costs and benefits: These amendments will benefit used oil fuel marketers by relieving them of the burden of securing a nonessential permit. The amended regulation seeks to benefit the regulated community by giving clarity to the amount of PCBs that are allowable in used oil for it to be regulated under this regulation.

UNCERTAINTIES OF ESTIMATES:

There are no foreseeable uncertainties of estimates relative to the cost to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations will protect the environment and promote public health by ensuring that used motor oil will be stored and managed in such a way as to prevent it from being released to the environment. The revision will help those who collect, store or transport used motor oil more clearly understand the requirements of the regulation with respect to PCB levels, increasing the likelihood that contaminated oil will be managed in a safe, environmentally sound manner.

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

If the amendments are not implemented, there is potential for used motor oil to be stored in such a way as to allow it to spill from storage containers, resulting in contamination to the environment; or to be stored in such a way as to become contaminated by precipitation, increasing the difficulty of properly managing the material.

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Without the clarification regarding PCB levels, there is the increased potential that transporters of used motor oil would improperly manage oil, resulting in discharges to the environment. According to the U.S. EPA, PCBs that are released into the environment remain in the air, water, and soil for extended periods, with the potential for many negative health impacts, to include cancer, and adverse effects on the immune, reproductive, nervous, and endocrine system.

Statement of Rationale:

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of used oil. The resulting regulation was promulgated in 1995, but has been identified by the Department and by various members of the used oil management community as being in need of updating.

A stakeholder workgroup developed the criteria on which the proposed regulation revision is based. The Department conducted a stakeholder meeting and circulated multiple versions of the drafted revisions for comment from the stakeholder members. Comments received during the stakeholder process were considered as revisions were developed, and contributed significantly to the development of the regulation proposed for public comment. Issues were brought forth for consideration and resolved during the meeting and by email. The workgroup included private sector representatives including used oil fuel marketers, used oil processors, used oil transporters, used oil burners, and representatives of the waste management industry. Input was solicited from representatives of environmental organizations and the South Carolina Retail Association. Opportunity for public sector representation was provided to federal, state, county and municipal government representatives, the South Carolina Association of Counties, the South Carolina Municipal Association, the South Carolina Department of Commerce, and Department staff. A representative of the United States Environmental Protection Agency (EPA) also provided comment on the drafting of these amendments.

The Department conducted a stakeholder meeting and circulated multiple versions of the drafted revisions for comment from the stakeholder members. Comments received during the stakeholder process were considered as revisions were developed.

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. 4616

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

1976 Code Sections 44-29-150 through 170

61-22. The Evaluation of School Employees for Tuberculosis.

Preamble:

The Department of Health and Environmental Control (“Department”) proposes amending Regulation 61-22, The Evaluation of School Employees for Tuberculosis. Regulation 61-22 was last amended in 1986. The proposed amendments include the Department’s effort to incorporate current tuberculosis evaluation and preventive treatment guidelines, update the screening and evaluation requirements for school employees, clarify language relating to the issuance of certificates, and provide for consistency with applicable state and federal laws. Stylistic changes are also proposed.

A Notice of Drafting for these proposed amendments was published in the *State Register* on May 22, 2015.

See Statements of Need and Reasonableness and Rationale herein.

Section-by-Section Discussion of Proposed Amendments:

Grammatical, capitalization, punctuation, references, outlining/codification corrections, and language changes for consistency were made throughout the regulation to improve the overall quality of the regulation in meeting current drafting and codification standards. Due to numerous amendments, Regulation 61-22 will be replaced in its entirety.

Applicability language “(Public or Private School, Kindergarten, Nursery or Day Care Center)” is being deleted under the statutory authority at the beginning of this regulation and has been moved to the new Purpose and Scope Section at 61-22, Section I.

TABLE OF CONTENTS:

The table of contents was added to make Regulation 61-22 more user friendly in locating subject matter consistent with the text of Regulation 61-22.

Regulation 61-22, Section I, INTRODUCTION:

Renamed title from Introduction to Purpose and Scope. Updated and clarified language pertaining to pre-employment testing and annual risk assessment screening requirements.

Regulation 61-22, Section II, RATIONALE:

Section II was deleted in its entirety. Explanation as to why skin test is preferred over X-ray is not necessary. Additional information regarding use of X-ray was included in other sections as appropriate.

Regulation 61-22, Section III, DEFINITIONS:

Section III was renumbered to Section II and revised: Updated and clarified current national standards and guidelines and the purpose of the annual tuberculosis risk assessment questionnaire. Removed tables and added new definitions for blood assay mycobacterium tuberculosis treatment of tuberculosis infection, authorized healthcare provider, and two-step tuberculin skin test.

Regulation 61-22, Section IV, GUIDELINES FOR SCREENING/EVALUATION:

Section IV was renumbered to Section III and revised: Clarified a ninety (90) day window for pre-employment testing, issuance of the certificate, and described the use of the risk assessment questionnaire, the screening process and documentation of the results.

Regulation 61-22, Section V, ADDITIONAL INFORMATION AND FORMS:

Section V, Additional Information and Forms, was renumbered to Section IV and clarified where the certification form and risk assessment may be found and deleted the testing flow chart.

Regulation 61-22, APPENDIX:

The appendix is new and replaces the testing flow chart with interpretation of tuberculosis skin test results.

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Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control on January 7, 2016. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes and, as a courtesy, persons are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Virginie Daguise, PhD, Bureau of Disease Control Division South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to daguisvg@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on December 29, 2015, the close of the public comment period. Written comments received by the deadline, December 29, 2015, shall be considered by the Department in formulating the final proposed regulation for public hearing on January 7, 2016, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Virginie Daguise, PhD, at the above address. Also, electronic copies of the proposed regulation will be available on the Department's Regulatory Development Update website at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the "Disease Control" category and scroll down for Regulation 61-22.

Preliminary Fiscal Impact Statement:

There are no anticipated additional costs to the state and its political subdivisions.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was based on an analysis of the factors listed in S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-22, The Evaluation of School Employees for Tuberculosis.

Purpose: The purpose of these amendments to Regulation 61-22 is to update and clarify the guidelines for tuberculosis screening and evaluation of employees in school and child care settings. These amendments further clarify the language relating to the issuance of certificates and incorporate current evaluation and preventive treatment guidelines.

Legal Authority: The legal authority for Regulation 61-22 is found at 1976 Code Sections 44-29-150 through 170.

Plan for Implementation: Upon approval by the General Assembly and publication in the *State Register* as a final regulation, a copy of Regulation 61-22, including these amendments, will be available electronically on the Department's Laws and Regulations website under the Bureau of Disease Control category at: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/>. Subsequently, this regulation

will be published in the South Carolina Code of Regulations. Printed copies will be available for a fee from the Department's Freedom of Information Office.

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

The proposed amendments to Regulation 61-22 are needed to update and clarify the guidelines for tuberculosis screening and evaluation of employees in school and child care settings. The amendments are reasonable as they accomplish their intended purpose of identifying high-risk school employees and will afford children greater protection against exposure to tuberculosis in school settings.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated additional costs to the state or its political subdivisions. School employees are currently required by S.C. Code Section 44-29-160 to obtain certification from their physician prior to hire.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments herein will not compromise the protection of the environment or public health. The effect should be beneficial because the amendments provide for more frequent screening of school employees and facilitate targeted testing of identified higher risk school employees.

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

There is no anticipated detrimental effect on the environment if the amendments are not implemented. Failure to amend the regulation would result in the lack of periodic evaluation of school employees who may have been exposed to tuberculosis following the start of their employment and may result in the delayed diagnosis of mycobacterium tuberculosis.

Statement of Rationale:

The Department proposes amending Regulation 61-22, The Evaluation of School Employees for Tuberculosis, to incorporate current tuberculosis evaluation and preventive treatment guidelines, update the screening and evaluation requirements for school employees, clarify language relating to the issuance of certificates, and provide for consistency with applicable state and federal laws. The proposed amendments herein are needed to update and clarify the guidelines for tuberculosis screening and evaluation of employees in school and child care settings in South Carolina. The amendments will also include stylistic changes.

Text:

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

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Document No. 4626

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

39-17. Guidelines for Sedation and General Anesthesia.

Preamble:

The South Carolina Board of Dentistry proposes to amend regulations regarding dental sedation permits and to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.

Section-by-Section Discussion

39-17(A) Renumbered to 39-17(C)

39-17(A) Establishes definitions for the dental sedation.

39-17(B) Renumbered to 39-17(D)

39-17(B) Establishes education and training requirements for practicing sedation.

39-17(C) Renumbered to 39-17(E)

39-17(C) Adds “the laws and regulations of this state,” to language previously in 39-17(A)

39-17(D) Deleted.

39-17(D) Adds ordering, supplying and prescribing to the responsibilities of the licensed dentist.

39-17(E) Renumbered to 39-17(F)

39-17(F) Renumbered to 39-17(G)

39-17(G) Renumbered to 39-17(H)

39-17(H) Updates the percentage delivery of oxygen.

39-17(I) Establishes fees as required by 2014 Act 222, known as the Dental Sedation Act.

A Notice of Drafting was published in the *State Register* on May 22, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 21, 2016. Written comments may be directed to Kate K. Cox, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to comport with requirements established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Dentistry proposes to amend regulations regarding dental sedation permits and to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.

Legal Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G).

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 website.

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

The proposed regulations will comport with requirements established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The South Carolina Board of Dentistry proposes to amend regulations regarding dental sedation permits and to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.

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.

82 PROPOSED REGULATIONS

Document No. 4617

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

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

71-8302. Explosives.

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8302.1 - 71-8302.3(D) No changes.
- 71-8302.3(E)(1) Delete.
- 71-8302.3(E)(2) Delete “all other” and renumber.
- 71-8302.3(E)(3) Change “will” to “may” and renumber.
- 71-8302.3(E)(4) Renumber.
- 71-8302.3(F) No changes.
- 71-8302.4(A)(3) Remove duplicated word.
- 71-8302.4(B)(1) - 71-8302.4(B)(3) No changes.
- 71-8302.4(B)(4) Correct names of federal agencies.
- 71-8302.4(B)(5)(a) New requiring an application.
- 71-8302.4(B)(5)(a) Renumber and reword.
- 71-8302.4(B)(5)(b) Renumber.
- 71-8302.4(B)(5)(c) Renumber and clarify type and amount of insurance.
- 71-8302.4(B)(6) - 71-8302.4(B)(6)(a) No changes.
- 71-8302.4(B)(5)(b) Reword.
- 71-8302.4(B)(5)(c) - 71-8302.4(B)(5)(e) No changes.
- 71-8302.4(B)(5)(f) Requires new application of license expires.
- 71-8302.4(C)(1) - 71-8302.4(C)(2)(b) No changes.
- 71-8302.4(C)(2)(c) Require inclusion of a map with site plan.
- 71-8302.4(C)(d) - 71-8302.4(4) No changes.
- 71-8302.4(C)(4) Remove “or their designee.”
- 71-8302.4(D)(1) - 71-8302.4(D)(2) No change.
- 71-8302.4(D)(4) Change “shall” to “may.”
- 71-8302.4(D)(4) Change “SFM” to “OSFM.”
- 71-8302.4(D)(5) No change.
- 71-8302.5(A) - 71-8302.5(C) No changes.
- 71-8302.5(D) Change “SFM” to “OSFM.”
- 71-8302.6(A) - 71-8302.6(C) No change.
- 71-8302.6(D) Number items in paragraph.
- 71-8302.6(E) – 71-8302.8(A)(2) No changes.
- 71-8302.8(A)(3) Correct federal agency name.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

84 PROPOSED REGULATIONS

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4618

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

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

71-8300. Fire Prevention and Life Safety

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8300.1(A) - (B)(1) No changes.
- 71-8300.1(B)(2) Add no waiving of minimum standards for fire prevention and life safety.
- 71-8300.1(C) No changes.
- 71-8300.1(D)(1) Add “adopted codes” and reword for clarity.
- 71.8300.1(D)(2) – (E)(7) No changes.
- 71.8300.1(E)(8) Delete definition of department.
- 71.8300.1(E)(9)-(E)(10) Renumber.
- 71.8300.1(E)(11) Delete definition of DSS.
- 71.8300.1(E)(12)-(E)(41) Renumber.
- 71.8300.2(A) No changes.
- 71.8300.2(B)(1) Add State of South Carolina as the Name of Jurisdiction.
- 71.8300.2(B)(2)-(B)(2) No changes.
- 71.8300.2(4) Delete “except” at end of sentence and delete subsection a.
- 71.8300.2(5) No changes.
- 71.8300.2(6) Delete.
- 71.8300.2(7) Renumber.
- 71.8300.2(C) - (CC) No changes.
- 71.8300.3 No changes.

- 71.8300.4(A) - (B)(4) No changes.
- 71.8300.4(B)(5) Add requirements for information required on construction documents.
- 71.8300.4(B)(6) – (B)(9) No changes.
- 71.8300.5 - 71.8300.6 No changes.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DETERMINATION OF COSTS AND BENEFITS:

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

86 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4619
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

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

71-8301. Fire Prevention and Life Safety For Special Occupancies

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8301.1 – 71.8301.3(A)(o) No changes.
- 71.8301.3(A)(1)(p) Add reference to manufacturer’s installation and instructions.
- 71.8301.3(A)(1)(p)(i) – (q)(ii) No changes.
- 71.8301.3(A)(1)(q)(iii) Add battery power to information on smoke alarm power.
- 71.8301.3(A)(1)(r) Moved from 71.8301.3(2)(a).
- 71.8301.3(A)(1)(s) New. Add information on emergency escape and rescue openings.
- 71.8301.3(A)(2) Reworded.
- 71.8301.3(A)(2)(a) Delete.
- 71.8301.3(A)(2)(a) - (2)(b) Renumber.
- 71.8301.3(B) Change “annual” to “regular” inspections and reword.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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.

88 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4620
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

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

71-8305. Fireworks and Pyrotechnics

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8305.1(A) Add emergency responders.
- 71-8305.1(B) - 71-8305.3(A) No changes.
- 71-8305.3(B) Clarify date permit application is due.
- 71-8305.3(C) Add "permitting" and remove reference to Section 40-1-50(D).
- 71-8305.3(D) - 71-8305.4(A)(7)(a) No changes.
- 71-8305.4(A)(7)(b) Number items in paragraph.
- 71-8305.4(A)(7)(c) - 71-8305.4(A)(7)(g) No changes.
- 71-8305.4(B)(1) Clarify pyrotechnic operator trainee license is required and reword.
- 71-8305.4(B)(2) No changes.
- 71-8305.4(C) Change title.
- 71-8305.4(C)(1) Add pyrotechnic operator trainee license is required and statement requirements.
- 71-8305.4(C)(2) - 71-8305.5(A)(5) No changes.
- 71-8305.5(A)(6) Add "to acknowledge their awareness of the proposed display."
- 71-8305.5(A)(7) No changes.

- 71-8305.5(A)(8) Add information on modification of a display permit.
- 71-8305.5(B)(1) Change “working days” to “business days.”
- 71-8305.5(B)(2) - 71-8305.5(B)(3) No changes.
- 71-8305.5(B)(4) Change amount of insurance required.
- 71-8305.5(C)(1) Change amount of insurance required.
- 71-8305.5(C)(2) – 71-8305.6(A)(7) No changes.
- 71-8305.6(A)(8)(a) Add “Chapter II, Subchapter C, Part 555” to citation.
- 71-8305.6(A)(8)(b) - 71-8305.6(B)(6) No changes.
- 71-8305.6(B)(7) Delete.
- 71-8305.6(B)(8) Renumber.
- 71-8305.6(C) – 71-8305.7 No changes.
- 71-8305.8(A) Reword.
- 71-8305.8(B) No change. 71-8305.8(D)
- 71-8305.8(C) Reword.
- 71-8305.8(D) - 71-8305.8(E)

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

90 PROPOSED REGULATIONS

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4621

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

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

71-8306. Hydrogen Facilities

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8306.1(A) No changes.
- 71-8306.1(B)(1) - 71-8306.1(B)(5) Add appropriate punctuation and the word “and.”
- 71-8306.1(C) No changes.
- 71-8306.2(A) - 71-8306.2(B) No changes.
- 71-8306.2(C) Delete.
- 71-8306.3(A) Add appropriate punctuation.
- 71-8306.3(A)(1) - 71-8306.5(C) No changes.
- 71-8306.5(C) Change “State Fire Marshal” to “OSFM.”
- 71-8306.5(E)(1) No changes.
- 71-8306.5(E)(2) Delete “plus actual expenses incurred based upon location and complexity.”
- 71-8306.5(E)(3) Delete “plus actual expenses incurred based upon location and complexity.”
- 71-8306.5(E)(4) Delete “plus actual expenses incurred based upon location and complexity.”
- 71-8306.5(F)(2) Delete “All other fees will be billed and must be paid prior to issuance of license.”
- 71-8306.5(G)(2) No changes.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

92 PROPOSED REGULATIONS

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4622

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

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

71-8304. Liquefied Petroleum (LP) Gas

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

- 71-8304.1(A) - 71-8304.1(B) No changes.
- 71-8304.1(C)(1) Correct name of S.C. Public Service Commission.
- 71-8304.1(C)(2) - 71-8304.4(B)(5) No changes.
- 71-8304.4(B)(6) Clarification of permit expiration date.
- 71-8304.4(B)(7) Reword.
- 71-8304.4(B)(8) Add that if permit expires, a new permit requires a new application.
- 71-8304.5 Reword and correct citation.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

94 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4623

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

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

71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems

Preamble:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

Section-by-Section Discussion:

71-8303.1 – 71.8303.2 No changes.

71-8303.3(A) Correct “FSM” to “OSFM.”

71-8303.3(B) - 71-8303.4(A)(5) No changes.

71-8303.4(A)(4) Change “additional insured” to “a certificate holder.”

71-8303.4(A)(5) Add “or have access to,” change “required” to “necessary” and add “fixed or mobile.”

71-8303.4(A)(6) – 71-8303.4(B)(2) No changes.

- 71-8303.4(B)(3) Add format for photograph with application.
- 71-8303.4(B)(4) No changes.
- 71-8303.4(B)(5) Require application to be received prior to scheduling examination.
- 71-8303.4(B)(6) - 71-8303.4(B)(9) No changes.
- 71-8303.4(B)(10) Require surrender of permit upon leaving employ of specifically identified company.
- 71-8303.4(B)(11) - 71-8303.4(D)(3) No changes.
- 71-8303.4(D)(4) Change type of fire extinguishing system.
- 71-8303.4(F) - 71-8303.4(G)(2) No changes.
- 71-8303.4(G)(3) Change type of fire extinguishing system.
- 71-8303.4(G)(5) - 71-8303.5(C)(3) No changes.
- 71-8303.5(C)(4) Change type of fire extinguishing system.
- 71-8303.5(C)(5) - 71-8303.5(D)(1) No changes.
- 71-8303.5(D)(2) Change type of fire extinguishing system.
- 71-8303.5(D)(3) - 71-8303.8(B) No changes.
- 71-8303.8(C) Update requirements for seals on fire extinguishing systems.
- 71-8303.8(D) Add information required on fire equipment maintenance tag.
- 71-8303.9 Retitle. Replace abbreviations and make editorial changes to chart.
- 71-8303.10(A) No changes.
- 71-8303.10(B) Replace “upon request, shall” with “may.”
- 71-8303.10(C) No changes.
- 71-8303.10(D) Update information in registry.
- 71-8303.10(E) Delete.
- 71-8303.11 Change “shall” to “may.”
- 71-8303.12(A) Change “shall” to “may.”
- 71-8303.12(B) – 71-8303.14(A)(7) No changes.
- 71-8303.14(A)(8) Correct names of laboratories.
- 71-8303.14(A)(9) No changes.
- 71-8303.15 Remove “or their designated agent.”
- 71-8303.16 - 71-8303.17 No changes
- 71-8303.18 Remove “authorizes any Deputy SFM to“ and change “may” to “shall.”

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 20, 2016. Written comments may be directed to Robert Polk, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled. The State Fire Marshal specifically requests comments concerning appropriate regulations as they pertain to fire prevention and life safety as well as appropriate use of national consensus standards, with or without state specific modifications.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

96 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION:

Purpose: The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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

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

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

The proposed regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

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. 4627
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR FORESTERS
CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

53-16. Fees for Registration and Renewal.

Preamble:

The South Carolina State Board of Registration for Foresters proposes to amend its fee schedule in Regulation 53-16.

Section-by-Section Discussion

53-16. Amend title, amend fees.

A Notice of Drafting was published in the *State Register* on September 25, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 19, 2016. Written comments may be directed to Molly Price, Administrator, State Board of Registration for Foresters, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., December 29, 2015. 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 this regulation.

Statement of Need and Reasonableness:

This regulation is amended ensure there is sufficient, but not excessive, revenue to cover expenses for the operations of this board in compliance with Section 40-1-50.

DESCRIPTION OF REGULATION:

Purpose: The board is amending this regulation to ensure there is sufficient, but not excessive, revenue to cover expenses for its operations in compliance with Section 40-1-50. The regulation's history, appearing on the State House website, does not indicate a change in fees since the effective date of the regulation in 1990.

Legal Authority: 1976 Code Sections 40-1-70 and 48-27-80.

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

98 PROPOSED REGULATIONS

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

The proposed regulation will ensure there is sufficient, but not excessive, revenue to cover expenses for its operations in compliance with Section 40-1-50(D), which mandates biennial adjustment of fees by the Department.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The regulation will have no effect on the environment.

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 the regulation is not implemented.

Statement of Rationale:

The updated regulation will allow the Department, on behalf of the Board of Registration for Foresters, to ensure there is sufficient, but not excessive, revenue to cover expenses for the Board's operations in compliance with Section 40-1-50(D).

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. 4628
DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106
Statutory Authority: 1976 Code Section 40-1-70 and 40-59-70

106-1. Classification of Residential Specialty Contractors.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Residential Builders Commission proposes to amend its regulations by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

Section-by-Section Discussion

- 106-1(a) Add gas piping and water filter and purification systems.
- 106-1(c) Remove liquid fuel piping and tanks.
- 106-1(d) Add fiber-cement to types of siding.
- 106-1(e) Define the types of insulating materials and add roofing system construction.
- 106-1(f) Add skylights and replacement of rotted wood.
- 106-1(g) Add wood, laminate, tile and concrete coatings.
- 106-1(h) Add concrete to specialty name and include flat slab areas to tasks performed.
- 106-1(i) No change.
- 106-1(j) Further define rough and general carpentry work.
- 106-1(k) No change.
- 106-1(l) Add tile to coverings.
- 106-1(m) Add solar panel installer and provide definition of tasks performed.
- 106-1(n) Add overhead and garage door installer and provide definition of tasks performed.
- 106-1(o) Add finish carpentry and provide definition of tasks performed.
- 106-1(p) Add natural/artificial stone and tile installer and provide definition of tasks performed.
- 106-1(q) Add glass and glazing installer and provide definition of tasks performed.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 8, 2016. Written comments may be directed to Janet Baumberger, Administrator, Residential Builders Commission, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

DESCRIPTION OF REGULATION:

Purpose: Residential Builders Commission proposes to amend its regulations by making additions to the types of work that may be performed within certain residential specialty contractor classifications.

Legal Authority: 1976 Code Sections 40-1-70 and 40-59-70.

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 website.

100 PROPOSED REGULATIONS

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

The proposed regulations will add types of work that may be performed within certain residential specialty contractor classifications.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will add types of work that may be performed within certain residential specialty contractor classifications.

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. 4629

DEPARTMENT OF LABOR, LICENSING AND REGULATION RESIDENTIAL BUILDERS COMMISSION

CHAPTER 106

Statutory Authority: 1976 Code Section 40-1-70 and 40-59-70

106-2. Residential Specialty Contractors License.

Preamble:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the contractor would be required to take the examination for relicensure.

Section-by-Section Discussion

- 106-2(d) Add examination requirement for initial and relicensure and provide for grandfathering.
- 106-2(e) Add examination requirement for initial and relicensure and provide for grandfathering.
- 106-2(f) Add examination requirement for initial and relicensure and provide for grandfathering.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 8, 2016. Written comments may be directed to Janet Baumberger, Administrator, Residential Builders Commission, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the residential specialty contractor would be required to take the examination for relicensure.

DESCRIPTION OF REGULATION:

Purpose: The Residential Builders Commission proposes to amend its regulations to require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the residential specialty contractor would be required to take the examination for relicensure.

Legal Authority: 1976 Code Sections 40-1-70 and 40-59-70.

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 website.

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

The proposed regulations will require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the residential specialty contractor would be required to take the examination for relicensure.

DETERMINATION OF COSTS AND BENEFITS:

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

102 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

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

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

Statement of Rationale:

The updated regulations will require examination for the licensure of residential specialty contractors in carpentry, roofing, or masonry. Additionally, if a residential specialty contractor in carpentry, roofing, or masonry who was granted registration by grandfathering allows the registration to lapse or expire, the residential specialty contractor would be required to take the examination for relicensure.

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. 4630
DEPARTMENT OF LABOR, LICENSING AND REGULATION
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106
Statutory Authority: 1976 Code Sections 40-1-70 and 40-59-70

106-2. Residential Specialty Contractors License

Preamble:

The South Carolina Residential Builders Commission proposes to amend its regulations to require examination for the relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

Section-by-Section Discussion:

- 106-2(a) Add examination requirement for relicensure.
- 106-2(b) Add examination requirement for relicensure.
- 106-2(c) Add examination requirement for relicensure.

A Notice of Drafting was published in the *State Register* on August 28, 2015.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m., on January 8, 2016. Written comments may be directed to Janet Baumberger, Administrator, Residential Builders Commission, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., December 29, 2015. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

DESCRIPTION OF REGULATION:

Purpose: The Residential Builders Commission proposes to amend its regulations to require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

Legal Authority: 1976 Code Sections 40-1-70 and 40-59-70.

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 website.

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

The proposed regulations will require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

104 PROPOSED REGULATIONS

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

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

Statement of Rationale:

The updated regulations will require examination for relicensure of plumbers, electricians and heating and air conditioning installers and repairers if: their license was issued prior to the examination requirement; they were grandfathered into compliance; and they allow their license to lapse or expire.

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. 4577

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

61-62. Air Pollution Control Regulations and Standards

Synopsis:

Pursuant to the South Carolina Pollution Control Act, 1976 Code Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations. 42 U.S.C. Section 7416. The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations throughout each calendar year. Recent federal amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. Section 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories mandated by 42 U.S.C. 7412.

The Department has amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (“NESHAP”), Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories, and Regulation 61-62.70, Title V Operating Permit Program, to codify federal amendments to these standards promulgated from January 1, 2014, through December 31, 2014.

The Department also made 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.

In accordance with 1976 Code Section 1-23-120(H), legislative review is not required because because the Department proposes promulgating the amendments to maintain compliance with federal law. As such, neither a preliminary assessment report nor a preliminary fiscal impact statement is required.

A Notice of Drafting for these amendments was published in the *State Register* on March 27, 2015.

Discussion of Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.1. is amended to strike the upper case “F” in federal, and replace with a lower case “f” to read, “federal government” for consistency and grammatical correctness.

Regulation 61-62.1, Definitions and General Requirements, Section II, Permit Requirements: Paragraph C.1. is amended to strike “.)” and add “).” at the end of the paragraph for grammatical correctness.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs A.2.a.(i). through A.2.a.(v). are amended to strike the period after each of the codification citation

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references “(i).” through “(v).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs A.3.a.(i). through A.3.a.(iii). are amended to strike the period after each of the codification citation references “(i).” through “(iii).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 5, Volatile Organic Compounds: Section II, Paragraphs B.2.a.(i). through B.2.a.(v). are amended to strike the period after each of the codification citation references “(i).” through “(v).” to properly cite each item per the 2014 South Carolina Legislative Council’s Standards Manual.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (c)(6)(C)(v)(a) is amended to strike the date “December 12, 1976” and replace it with the date “December 21, 1976” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (c)(7)(A)(i)(d) is amended to strike a period and replace with a comma before “or” for consistency and grammatical correctness.

Regulation 61-62.5, Air Pollution Control Standards, Standard 7.1, Nonattainment New Source Review (NSR): Paragraph (d)(1)(C)(viii) is amended to strike and replace the “p” in “part” and “s” in “subpart” from lower case to upper case for consistency throughout the regulation.

Regulation 61-62.6, Control of Fugitive Particulate Matter

Regulation 61-62.6, Control of Fugitive Particulate Matter, Section I, Control of Fugitive Particulate Matter in Nonattainment Areas: Paragraph (C) is amended to strike the hyphen in the term “non-attainment” for consistency with federal regulation.

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: Subpart A, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 18952, April 4, 2014, 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 79 FR 68777, November 19, 2014, 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 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ec, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ga, Table, is amended to incorporate federal revisions at 79 FR 25681, May 6, 2014, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart H, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart O, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Y, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Z, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart BB, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 18952, April 4, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart BBa, Table, is amended to incorporate newly promulgated federal revisions at 79 FR 18952, April 4, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart DD, Table, is amended to change Federal Register Notice volume number in both the “Volume” and “Notice” columns to correct typographical errors.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart GG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart KK, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart LL, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart QQ, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart UU, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart NNN, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart III, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart JJJ, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart OOOO, Title is amended to strike the comma after Part 60 for consistency, and Table, is amended to incorporate federal revisions at 79 FR 79018, December 31, 2014, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

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

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart A, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart C, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart D, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart E, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation, 61-62.61, National Emission Standards for Hazardous Air Pollutants (NESHAP): Subpart N, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, 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, Title, is amended to strike the term “CFR” and replace with “Code of Federal Regulations (CFR)” and strike the comma after Part 63 for consistency, and Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014; and 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart F, Table, is amended to change Federal Register Notice page number to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart G, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart N, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart O, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, 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 79 FR 367, January 3, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart Y, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart WW, Table, is amended to strike “Vol.67” and replace with “Vol. 67” to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart YY, Table, is amended to incorporate federal revisions at 79 FR 60898, October 8, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart CCC, Title, is amended to strike the term “HCl” and replace with “HCl” for clarity and correctness.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart DDD, Title, is amended to strike the term “Wood” and replace with “Wool” for clarity and correctness.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEE, Table, is amended to strike the comma from “September, 30, 1999” to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart GGG, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart III, Table, is amended to incorporate federal revisions at 79 FR 48073, August 15, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart JJJ, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart MMM, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart OOO, Table, is amended to incorporate federal revisions at 79 FR 60898, October 8, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart PPP, Table, is amended to incorporate federal revisions at 79 FR 17340, March 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart RRR, Title, is amended to strike the word “Pollutant” and replace with “Pollutants” for consistency, and Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart CCCC, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

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Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart EEEE, Table, is amended to change Federal Register Notice volume number to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UUUU, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart ZZZZ, Table, is amended to incorporate federal revisions at 79 FR 11228, February 27, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart UUUUU, Title, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for consistency, and Table, is amended to incorporate federal revisions at 79 FR 68777, November 19, 2014; and 79 FR 68795, November 19, 2014, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart DDDDDD, Title, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for consistency.

Regulation, 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Title V Operating Permit Program: Part 70.6, Table, is amended to restore a sentence inadvertently removed by editing error at the federal level, at 79 FR 43661, July 28, 2014.

Instructions:

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

Text:

Regulation, 62.1, Definitions and General Requirements

Regulation 61-62.1.II.C.1. shall be revised as follows:

C.1. Construction permit applications shall be reviewed and signed by a professional engineer registered to practice in the State of South Carolina (except professional engineers employed by the federal government preparing applications for the federal government or other professional engineers exempted from the state registration requirements).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds

Regulation 61-62.5, Standard No. 5, Section II A.2.a. shall be revised as follows:

a. The emission limitations in Paragraph 1 of this Part can be achieved by:

(i) The application of low solvent coating technology;

(ii) Incineration, provided that 90 percent of the nonmethane VOC (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or

(iii) Carbon bed solvent recovery system; or

(iv) Alternative controls as allowed under Section I, Part C above; and

(v) A capture system must be used in conjunction with emission control equipment systems. The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide for an overall VOC emission reduction efficiency sufficient to meet the emission limitations in Paragraph 1 of this Part.

Regulation 61-62.5, Standard No. 5, Section II A.3.a. shall be revised as follows:

a. The owner or operator of a VOC source subject to this Part shall meet one of the following schedules as applicable:

(i) A source utilizing emission control equipment and/or replacement process equipment and/or modification of existing process equipment to comply with Paragraph 1 of this Part shall comply with Schedule 1 of Section I, Part D above.

(ii) A source utilizing low solvent technology where the Department determines that low solvent content coating technology has been sufficiently researched and developed for a particular application to comply with emission limitations in Paragraph 1 of this Part shall comply with Schedule 2 of Section I, Part D above.

(iii) A source utilizing low solvent technology which does not qualify under (ii) above to comply with emission limitations in Paragraph 1 of this Part shall comply with Schedule 3 of Section I, Part D above.

Regulation 61-62.5, Standard No. 5, Section II B.2.a. shall be revised as follows:

a. The emission limitation in Paragraph 1 of this Part can be achieved by:

(i) The application of low solvent technology; or

(ii) Incineration, provided that 90 percent of the nonmethane VOC (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or

(iii) Carbon bed solvent recovery system; or

(iv) Alternative controls as allowed under Section I, Part C above;

(v) A capture system must be used in conjunction with emission control equipment systems. The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide for an overall VOC emission reduction efficiency sufficient to meet the emission limitations in Paragraph 1 of this Part.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Standard 7.1, (c)(6)(C)(v)(a) shall be revised as follows:

(a) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, or

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Regulation 61-62.5, Standard 7.1, (c)(7)(A)(i)(d) shall be revised as follows:

(d) 10 tpy of volatile organic compounds or oxides of nitrogen in any extreme ozone nonattainment area, or

Regulation 61-62.5, Standard 7.1, (d)(1)(C)(viii) shall be revised as follows:

(viii) Credit for an emissions reduction can be claimed to the extent that the Department has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 Subpart I or the Department has not relied on it in demonstrating attainment or reasonable further progress.

Regulation 61-62.6, Control of Fugitive Particulate Matter

Regulation 61-62.6, Section I shall be revised as follows:

(C) No new source will be granted a permit to construct in a nonattainment area for primary standards if any part of materials handling of dry and dusty material is to be done with a front end loader, dump truck, or similar type handling which permits excessive dust to escape to the ambient air.

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

Regulation 61-62.60, Subpart A, shall be revised as follows:

Subpart A - "General Provisions"

The provisions of 40 Code of Federal Regulations (CFR) Part 60 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]

40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 73	May 27, 2008	[73 FR 30308]
Revision	Vol. 73	June 24, 2008	[73 FR 35838]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

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40 CFR Part 60 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]
Revision	Vol. 74	December 17, 2009	[74 FR 66921]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	January 18, 2011	[76 FR 2832]
Revision	Vol. 76	March 21, 2011	[76 FR 15372]
Revision	Vol. 76	March 21, 2011	[76 FR 15704]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 77	September 12, 2012	[77 FR 56422]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]

Regulation 61-62.60, Subpart Da, shall be revised as follows:

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978”

The provisions of 40 CFR Part 60 Subpart Da, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]

40 CFR Part 60 Subpart Da			
Federal Register Citation	Volume	Date	Notice
Revision	Vol.79	November 19, 2014	[79 FR 68777]

Regulation 61-62.60, Subpart Db, shall be revised as follows:

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

The provisions of 40 CFR Part 60 Subpart Db, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Db			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]
Revision	Vol. 72	June 13, 2007	[72 FR 32710]
Revision	Vol. 74	January 28, 2009	[74 FR 5072]
Revision	Vol. 76	January 20, 2011	[76 FR 3517]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart Ec, shall be revised as follows:

Subpart Ec - “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996”

The provisions of 40 CFR Part 60 Subpart Ec, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 Subpart Ec			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	October 30, 2003	[68 FR 61759]
Revision	Vol. 74	October 6, 2009	[74 FR 51368]
Revision	Vol. 76	April 4, 2011	[76 FR 18407]
Revision	Vol. 78	May 13, 2013	[78 FR 28052]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart Ga, shall be added in alpha-numeric order as follows:

Subpart Ga - “Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011”

The provisions of 40 CFR Part 60 Subpart Ga, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Ga			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 14, 2012	[77 FR 48433]
Revision	Vol. 79	May 6, 2014	[79 FR 25681]

Regulation 61-62.60, Subpart H, shall be revised as follows:

Subpart H - “Standards of Performance for Sulfuric Acid Plants”

The provisions of 40 CFR Part 60 Subpart H, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart H			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20794]
Revision	Vol. 40	October 6, 1975	[40 FR 46258]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 48	September 29, 1983	[48 FR 44700]
Revision	Vol. 48	October 20, 1983	[48 FR 48669]
Revision	Vol. 54	February 14, 1989	[54 FR 6666]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart O, shall be revised as follows:

Subpart O - “Standards of Performance for Sewage Treatment Plants”

The provisions of 40 CFR Part 60 Subpart O, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart O			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	March 8, 1974	[39 FR 9319]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	November 10, 1977	[42 FR 58521]
Revision	Vol. 53	October 6, 1988	[53 FR 39416]
Revision	Vol. 54	February 14, 1989	[54 FR 6668]
Revision	Vol. 54	June 27, 1989	[54 FR 27015]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	February 3, 1994	[59 FR 5108]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart Y, shall be revised as follows:

Subpart Y - “Standards of Performance for Coal Preparation and Processing Plants”

The provisions of 40 CFR Part 60 Subpart Y, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 41	January 15, 1976	[41 FR 2234]
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 42	September 7, 1977	[42 FR 44812]
Revision	Vol. 48	January 27, 1983	[48 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 74	October 8, 2009	[74 FR 51950]

Regulation 61-62.60, Subpart Z, shall be revised as follows:

Subpart Z - “Standards of Performance for Ferroalloy Production Facilities”

The provisions of 40 CFR Part 60 Subpart Z, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart Z			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 41	May 4, 1976	[41 FR 18501]
Revision	Vol. 41	May 20, 1976	[41 FR 20659]

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40 CFR Part 60 Subpart Z			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 42	July 25, 1977	[42 FR 37938]
Revision	Vol. 48	January 27, 1983	[48 FR 3738]
Revision	Vol. 54	February 14, 1989	[54 FR 6671]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Regulation 61-62.60, Subpart BB, shall be revised as follows:

Subpart BB - “Standards of Performance for Kraft Pulp Mills”

The provisions of 40 CFR Part 60 Subpart BB, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	April 4, 2014	[79 FR 18952]

Regulation 61-62.60, Subpart BBa, shall be added in alpha-numeric order as follows:

Subpart BBa - “Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013”

The provisions of 40 CFR Part 60 Subpart BBa, as originally published in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart BBa			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 79	April 4, 2014	[79 FR 18952]

Regulation 61-62.60, Subpart DD, shall be revised as follows:

Subpart DD - “Standards of Performance for Grain Elevators”

The provisions of 40 CFR Part 60 Subpart DD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart DD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 53	November 5, 1988	[53 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Regulation 61-62.60, Subpart GG, shall be revised as follows:

Subpart GG - “Standards of Performance for Stationary Gas Turbines”

The provisions of 40 CFR Part 60 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 71	February 24, 2006	[71 FR 9453]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart KK, shall be revised as follows:

Subpart KK - “Standards of Performance for Lead-Acid Battery Manufacturing Plants”

The provisions of 40 CFR Part 60 Subpart KK, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart KK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	April 16, 1982	[47 FR 16573]
Revision	Vol. 54	February 14, 1989	[54 FR 6675]
Revision	Vol.65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart LL, shall be revised as follows:

Subpart LL - “Standards of Performance for Metallic Mineral Processing Plants”

The provisions of 40 CFR Part 60 Subpart LL, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 Subpart LL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 49	February 21, 1984	[49 FR 6464]
Revision	Vol. 54	February 14, 1989	[54 FR 6676]
Revision	Vol.65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart QQ, shall be revised as follows:

Subpart QQ - “Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing”

The provisions of 40 CFR Part 60 Subpart QQ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart QQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	November 8, 1982	[47 FR 50649]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Regulation 61-62.60, Subpart UU, shall be revised as follows:

Subpart UU - “Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture”

The provisions of 40 CFR Part 60 Subpart UU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart UU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	August 6, 1982	[47 FR 34143]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart NNN, shall be revised as follows:

Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”

The provisions of 40 CFR Part 60 Subpart NNN, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol.55	September 7, 1990	[55 FR 36932]

40 CFR Part 60 Subpart NNN			
Federal Register Citation	Volume	Date	Notice
Revision	Vol.60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol.65	October 17, 2000	[65 FR 61744]
Revision	Vol.65	December 14, 2000	[65 FR 78268]
Revision	Vol.74	June 24, 2009	[74 FR 29948]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart IIII, shall be revised as follows:

Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”

The provisions of 40 CFR Part 60 Subpart IIII, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]
Revision	Vol. 76	June 28, 2011	[76 FR 37954]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart JJJJ, shall be revised as follows:

Subpart JJJJ - “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”

The provisions of 40 CFR Part 60 Subpart JJJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 Subpart JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	October 8, 2008	[73 FR 59034]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.60, Subpart OOOO, shall be revised as follows:

Subpart OOOO - “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution”

The provisions of 40 CFR Part 60 Subpart OOOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 Subpart OOOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	August 16, 2012	[77 FR 49490]
Revision	Vol. 78	September 23, 2013	[78 FR 58416]
Revision	Vol. 79	December 31, 2014	[79 FR 79018]

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

Regulation 61-62.61, Subpart A, shall be revised as follows:

Subpart A - “General Provisions”

The provisions of Title 40 Code of Federal Regulations (CFR) Part 61 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]

40 CFR Part 61 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 72	May 16, 2007	[72 FR 27437]
Revision	Vol. 73	April 3, 2008	[73 FR 18162]
Revision	Vol. 73	May 6, 2008	[73 FR 24870]
Revision	Vol. 74	October 27, 2009	[74 FR 55142]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.61, Subpart C, shall be revised as follows:

Subpart C - “National Emission Standard for Beryllium”

The provisions of Title 40 CFR Part 61 Subpart C, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 61 Subpart C			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.61, Subpart D, shall be revised as follows:

Subpart D - “National Emission Standard for Beryllium Rocket Motor Firing”

The provisions of Title 40 CFR Part 61 Subpart D, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 61 Subpart D			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.61, Subpart E, shall be revised as follows:

Subpart E - “National Emission Standard for Mercury”

The provisions of Title 40 CFR Part 61 Subpart E, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 61 Subpart E			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	October 14, 1975	[40 FR 48302]
Revision	Vol. 47	June 8, 1982	[47 FR 24704]
Revision	Vol. 49	September 12, 1984	[49 FR 35770]
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 52	March 19, 1987	[52 FR 8726]
Revision	Vol. 53	September 23, 1988	[53 FR 36972]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.61, Subpart N, shall be revised as follows:

Subpart N - “National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants”

The provisions of Title 40 CFR Part 61 Subpart N, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 61 Subpart N			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 51	August 4, 1986	[51 FR 28025]
Revision	Vol. 51	October 3, 1986	[51 FR 35355]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

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

Regulation 61-62.63, Subpart A, shall be revised as follows:

Subpart A - "General Provisions"

The provisions of Title 40 Code of Federal Regulations (CFR) Part 63 Subpart A, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]

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40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]
Revision	Vol. 72	January 3, 2007	[72 FR 26]
Revision	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 72	July 16, 2007	[72 FR 38864]
Revision	Vol. 72	October 29, 2007	[72 FR 61060]
Revision	Vol. 72	November 16, 2007	[72 FR 64860]
Revision	Vol. 72	December 26, 2007	[72 FR 73180]
Revision	Vol. 72	December 28, 2007	[72 FR 74088]
Revision	Vol. 73	January 2, 2008	[73 FR 226]
Revision	Vol. 73	January 9, 2008	[73 FR 1738]
Revision	Vol. 73	January 10, 2008	[73 FR 1916]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 73	February 7, 2008	[73 FR 7210]
Revision	Vol. 73	March 7, 2008	[73 FR 12275]
Revision	Vol. 73	July 23, 2008	[73 FR 42978]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 74	June 25, 2009	[74 FR 30366]

40 CFR Part 63 Subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 74	October 28, 2009	[74 FR 55670]
Revision	Vol. 75	September 9, 2010	[75 FR 54970]
Revision	Vol. 75	September 13, 2010	[75 FR 55636]
Revision	Vol. 76	February 17, 2011	[76 FR 9450]
Revision	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]
Revision	Vol. 77	September 11, 2012	[77 FR 55698]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	January 31, 2013	[78 FR 7138]
Revision	Vol. 78	February 1, 2013	[78 FR 7488]
Revision	Vol. 78	June 20, 2013	[78 FR 37133]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]

Regulation 61-62.63, Subpart F, shall be revised as follows:

Subpart F - “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry”

The provisions of 40 CFR Part 63 Subpart F, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19402]
Revision	Vol. 59	September 20, 1994	[59 FR 48175]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 59	October 28, 1994	[59 FR 54131]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 60	December 12, 1995	[60 FR 63624]
Revision	Vol. 61	February 29, 1996	[61 FR 7716]
Revision	Vol. 61	June 20, 1996	[61 FR 31435]
Revision	Vol. 61	December 5, 1996	[61 FR 64572]
Revision	Vol. 62	January 17, 1997	[62 FR 2722]
Revision	Vol. 63	May 12, 1998	[63 FR 26078]
Revision	Vol. 64	April 26, 1999	[64 FR 20189]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]

Regulation 61-62.63, Subpart G, shall be revised as follows:

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Subpart G - “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater”

The provisions of 40 CFR Part 63 Subpart G, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19402]
Revision	Vol. 59	June 6, 1994	[59 FR 29196]
Revision	Vol. 59	October 24, 1994	[59 FR 53359]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18020]
Revision	Vol. 60	April 10, 1995	[60 FR 18026]
Revision	Vol. 60	December 12, 1995	[60 FR 63624]
Revision	Vol. 61	February 29, 1996	[61 FR 7716]
Revision	Vol. 61	December 5, 1996	[61 FR 64572]
Revision	Vol. 62	January 17, 1997	[62 FR 2722]
Revision	Vol. 63	December 9, 1998	[63 FR 67787]
Revision	Vol. 64	April 26, 1999	[64 FR 20189]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	December 23, 2004	[69 FR 76859]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart N, shall be revised as follows:

Subpart N - “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”

The provisions of 40 CFR Part 63 Subpart N, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart N			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	January 25, 1995	[60 FR 4948]
Revision	Vol. 60	May 24, 1995	[60 FR 27598]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]

40 CFR Part 63 Subpart N			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 62	January 30, 1997	[62 FR 4463]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 19, 2004	[69 FR 42885]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 77	September 19, 2012	[77 FR 58220]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart O, shall be revised as follows:

Subpart O - “Ethylene Oxide Emission Standards for Sterilization Facilities”

The provisions of 40 CFR Part 63 Subpart O, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart O			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 6, 1994	[59 FR 62585]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 62	December 9, 1997	[62 FR 64736]
Revision	Vol. 63	December 4, 1998	[63 FR 66990]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 66	November 2, 2001	[66 FR 55577]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 7, 2006	[71 FR 17712]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart X, shall be revised as follows:

Subpart X - “National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting”

The provisions of 40 CFR Part 63 Subpart X, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart X			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	June 23, 1995	[60 FR 32587]
Revision	Vol. 61	June 3, 1996	[61 FR 27785]
Revision	Vol. 61	December 12, 1996	[61 FR 65334]
Revision	Vol. 62	June 13, 1997	[62 FR 32210]
Revision	Vol. 63	August 24, 1998	[63 FR 45007]
Revision	Vol. 64	January 29, 1999	[64 FR 4570]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]

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40 CFR Part 63 Subpart X			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 77	January 5, 2012	[77 FR 556]
Revision	Vol. 79	January 3, 2014	[79 FR 367]

Regulation 61-62.63, Subpart Y, shall be revised as follows:

Subpart Y - “National Emission Standards for Marine Tank Vessel Loading Operations”

The provisions of 40 CFR Part 63 Subpart Y, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 19, 1995	[60 FR 48388]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart GG, shall be revised as follows:

Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

The provisions of 40 CFR Part 63 Subpart GG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15006]
Revision	Vol. 63	September 1, 1998	[63 FR 46526]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart WW, shall be revised as follows:

Subpart WW - “National Emission Standards for Storage Vessels (Tanks) - Control Level 2”

The provisions of 40 CFR Part 63 Subpart WW, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]

Regulation 61-62.63, Subpart YY, shall be revised as follows:

Subpart YY - “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of 40 CFR Part 63 Subpart YY, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart YY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34854]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]
Revision	Vol. 68	February 10, 2003	[68 FR 6635]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 72	June 29, 2007	[72 FR 35663]
Revision	Vol. 79	October 8, 2014	[79 FR 60898]

Regulation 61-62.63, Subpart CCC, shall be revised as follows:

Subpart CCC - “National Emission Standards for Hazardous Air Pollutants for Steel Pickling- HCl Process Facilities and Hydrochloric Acid Regeneration Plants”

Regulation 61-62.63, Subpart DDD, shall be revised as follows:

Subpart DDD - “National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production”

Regulation 61-62.63, Subpart EEE, shall be revised as follows:

Subpart EEE - “National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors”

The provisions of 40 CFR Part 63 Subpart EEE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 Subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September 30, 1999	[64 FR 52828]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	June 14, 2005	[70 FR 34538]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 70	December 19, 2005	[70 FR 75042]
Revision	Vol. 71	March 23, 2006	[71 FR 14655]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	October 25, 2006	[71 FR 62388]
Revision	Vol. 73	April 8, 2008	[73 FR 18970]
Revision	Vol. 73	October 28, 2008	[73 FR 64068]

Regulation 61-62.63, Subpart GGG, shall be revised as follows:

Subpart GGG - “National Emission Standards for Pharmaceuticals Production”

The provisions of 40 CFR Part 63 Subpart GGG, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	September 21, 1998	[63 FR 50280]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 66	August 2, 2001	[66 FR 40121]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	May 13, 2005	[70 FR 25671]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 76	April 21, 2011	[76 FR 22566]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart III, shall be revised as follows:

Subpart III - “National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production”

The provisions of 40 CFR Part 63 Subpart III, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 79	August 15, 2014	[79 FR 48073]

Regulation 61-62.63, Subpart JJJ, shall be revised as follows:

Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of 40 CFR Part 63 Subpart JJJ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48208]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1835]
Revision	Vol. 62	June 6, 1997	[62 FR 30993]
Revision	Vol. 62	July 15, 1997	[62 FR 37720]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15312]
Revision	Vol. 64	March 9, 1999	[64 FR 11536]
Revision	Vol. 64	June 8, 1999	[64 FR 30406]
Revision	Vol. 64	June 30, 1999	[64 FR 35023]
Revision	Vol. 65	June 19, 2000	[65 FR 38030]
Revision	Vol. 65	August 29, 2000	[65 FR 52319]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	June 2, 2004	[69 FR 31008]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]

Regulation 61-62.63, Subpart MMM, shall be revised as follows:

Subpart MMM - “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

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The provisions of 40 CFR Part 63 Subpart MMM, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33550]
Revision	Vol. 66	November 21, 2001	[66 FR 58393, 58396]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	March 27, 2014	[79 FR 17340]

Regulation 61-62.63, Subpart OOO, shall be revised as follows:

Subpart OOO - “National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins”

The provisions of 40 CFR Part 63 Subpart OOO, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart OOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	January 20, 2000	[65 FR 3276]
Revision	Vol. 65	February 22, 2000	[65 FR 8768]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	October 8, 2014	[79 FR 60898]

Regulation 61-62.63, Subpart PPP, shall be revised as follows:

Subpart PPP - “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”

The provisions of 40 CFR Part 63 Subpart PPP, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart PPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29420]
Revision	Vol. 64	June 14, 1999	[64 FR 31895]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 1, 2004	[69 FR 39862]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

40 CFR Part 63 Subpart PPP			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 79	March 27, 2014	[79 FR 17340]

Regulation 61-62.63, Subpart RRR, shall be revised as follows:

Subpart RRR - “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”

The provisions of 40 CFR Part 63 Subpart RRR, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart CCCC, shall be revised as follows:

Subpart CCCC - “National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast”

The provisions of 40 CFR Part 63 Subpart CCCC, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	May 21, 2001	[66 FR 27876]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Subpart EEEE - “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)”

The provisions of 40 CFR Part 63 Subpart EEEE, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 63 Subpart EEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 73	April 23, 2008	[73 FR 21825]
Revision	Vol. 73	July 17, 2008	[73 FR 40977]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]

Regulation 61-62.63, Subpart UUUU, shall be revised as follows:

Subpart UUUU - “National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing”

The provisions of 40 CFR Part 63 Subpart UUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]
Revision	Vol. 70	June 24, 2005	[70 FR 36523]
Revision	Vol. 70	August 10, 2005	[70 FR 46684]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	December 22, 2008	[73 FR 78199]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart ZZZZ, shall be revised as follows:

Subpart ZZZZ - “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”

The provisions of 40 CFR Part 63 Subpart ZZZZ, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart ZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 73	January 18, 2008	[73 FR 3568]
Revision	Vol. 75	March 3, 2010	[75 FR 9648]
Revision	Vol. 75	June 30, 2010	[75 FR 37732]
Revision	Vol. 75	August 20, 2010	[75 FR 51570]
Revision	Vol. 76	March 9, 2011	[76 FR 12863]
Revision	Vol. 78	January 30, 2013	[78 FR 6674]
Revision	Vol. 78	March 6, 2013	[78 FR 14457]
Revision	Vol. 79	February 27, 2014	[79 FR 11228]

Regulation 61-62.63, Subpart UUUUU, shall be revised as follows:

Subpart UUUUU - “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”

The provisions of 40 CFR Part 63 Subpart UUUUU, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart UUUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 77	February 16, 2012	[77 FR 9304]
Revision	Vol. 77	April 19, 2012	[77 FR 23399]
Revision	Vol. 77	August 2, 2012	[77 FR 45967]
Revision	Vol. 78	April 24, 2013	[78 FR 24073]
Revision	Vol. 79	November 19, 2014	[79 FR 68777, 68795]

Regulation 61-62.63, Subpart DDDDDD, shall be revised as follows:

Subpart DDDDDD - “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources”

The provisions of 40 CFR Part 63 Subpart DDDDDD, as originally published in the Federal Register and as subsequently amended upon publication in the Federal Register as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 Subpart DDDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 72	January 23, 2007	[72 FR 2930]
Revision	Vol. 77	April 17, 2012	[77 FR 22848]

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Section 70.6 shall be amended by restoring a sentence that was inadvertently removed from the operating permits program rules (found in 40 CFR Parts 70 and 71) due to an editing error on the federal level as follows:

Section 70.6. Permit content.

(c)(5)(iii)(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period. Such methods and other means shall include, at a minimum, the methods and means required under paragraph (a)(3) of this section. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

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).

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DESCRIPTION OF REGULATION: Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards and the South Carolina Air Quality Implementation Plan (“SIP”).

Purpose: The United States Environmental Protection Agency (“EPA”) promulgated amendments to national air quality standards in 2014. The recent federal amendments include clarification, guidance and technical revisions to SIP requirements promulgated pursuant to 42 U.S.C. 7410 & 7413, New Source Performance Standards (“NSPS”) mandated by 42 U.S.C. 7411, and federal National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories.

The Department has amended Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; Regulation 61-62.61, National Emission Standards for Hazardous Air Pollutants (“NESHAP”); Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories; and Regulation 61-62.70, Title V Operating Permit Program, to codify federal amendments to these standards promulgated from January 1, 2014, through December 31, 2014.

The Department also made changes to Regulation 61-62 that include corrections for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling to improve the overall text of Regulation 61-62 as necessary.

Legal Authority: Pursuant to the South Carolina Pollution Control Act, Section 48-1-10 et seq., along with the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations. 42 U.S.C. Section 7416.

Plan for Implementation: The amendments take effect upon approval by the Board of Health and Environmental Control on November 4, 2015, and publication in the *State Register*. These requirements are in place at the federal level and are currently being implemented. A copy of R. 61-62, Air Pollution Control Regulations and Standards, that incorporates these amendments, will be made available electronically on the Department’s website at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/LawsAndRegulations/Air/>. The Department will also send an email to stakeholders, and will communicate with affected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 51, 52, 60, 61, 63 and 70 throughout each calendar year. Federal amendments in 2014 included new and revised NSPS rules, NESHAPs, and NESHAPs for Source Categories. 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 is not anticipated increase in cost to the State or its political subdivisions resulting from these revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to the authority granted by Section 48-1-50 of the Pollution Control Act. These amendments seek to 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 these amendments to Regulation 61-62, Air Pollution Control Regulations and Standards seeks to 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, could be compromised if these amendments were not adopted in South Carolina.